

**EXHIBIT 31-B**  
**Redacted Version of**  
**Document Sought to be Sealed**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER ) MDL No. 2843  
PRIVACY USER PROFILE LITIGATION) Case No.  
\_\_\_\_\_ ) 18-md-02843-VC

This document relates to: )  
ALL ACTIONS )  
\_\_\_\_\_ )

\*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*

REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF  
FACEBOOK INC. REPRESENTATIVE,  
KONSTANTINOS PAPAMILTIDIS  
TUESDAY, FEBRUARY 23, 2021

Reported by:  
Ashala Tylor, CSR #2436, CLR, CRR, RPR  
JOB NO. 4473154  
PAGES 1 - 280

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER ) MDL No. 2843  
PRIVACY USER PROFILE LITIGATION) Case No.  
\_\_\_\_\_) 18-md-02843-VC

This document relates to: )  
ALL ACTIONS )  
\_\_\_\_\_)

Videotaped deposition of FACEBOOK, INC.  
REPRESENTATIVE, KONSTANTINOS PAPAMILTIDIS taken via  
virtual Zoom, commencing at 9:10 a.m. and ending at  
3:58 p.m., on Tuesday, February 23, 2021, before Ashala  
Tylor, CSR No. 2436, RPR, CRR, CLR.

1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF:

3 BLEICHMAR FONTI & AULD LLP

4 BY: LESLEY E. WEAVER, ESQ.

5 ANNE DAVIS, ESQ.

6 MATTHEW MONTGOMERY, ESQ.

7 MATTHEW MELAMED, ESQ.

8 555 12th Street, Suite 1600

9 Oakland, California 94607

10 415.445.4003

11 lweaver@bfalaw.com

12 adavis@bfalaw.com

13 mmmontgomery@falaw.com

14 mmelamed@bfalaw.com

1 A P P E A R A N C E S (continued)

2 FOR PLAINTIFFS:

3 KELLER ROHRBACK LLP

4 BY: DAVID KO, ESQ.

5 CARI C. LAUFENBERG, ESQ.

6 DAVID LOESER, ESQ.

7 1201 Third Avenue, Suite 3200

8 Seattle, Washington 98101-3052

9 206.623.3384

10 dko@kellerrohrback.com

11 claufenberg@kellerrohrback.com

12 dloeser@kellerrohrback.com

13

14

15

16

17

18

19

20

21

22

23

24

25

1 A P P E A R A N C E S (continued)

2 FOR THE DEFENDANT FACEBOOK, INC.:

3 GIBSON, DUNN & CRUTCHER LLP

4 BY: DEBORAH STEIN, ESQ.

5 MARTIE KUTSCHER CLARK, ESQ.

6 333 S. Grand Avenue, 47th Floor

7 Los Angeles, California 90071

8 213.229.7000

9 dstein@gibsondunn.com

10 mkutscherClark@gibsondunn.com

11 - and -

12 GIBSON DUNN & CRUTCHER LLP

13 BY: LAURA MUMM, ESQ.

14 200 Park Avenue, 47th Floor

15 New York, New York 10166

16 212.351.4000

17 lmumm@gibsondunn.com

18  
19 Also Present:

20 Ian Chen, In-House Facebook Counsel

21 Kimberly Decker, Videographer

I N D E X

WITNESS	EXAMINATION BY	PAGE
KONSTANTINOS PAPAMILTIDIS		
	Ms. Weaver	9, 171

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 1	Plaintiffs' Amended Notice of Deposition of Defendant Facebook, Inc. Pursuant to Federal Rule of Civil Procedure 30(b)(6)	10
Exhibit 2	Discovery Order No. 9 (Dkt. Nos. 515, 526, 537, 548)	10
Exhibit 3	Email from Simone LiTrenta to Matt Scutari and others, 5-8-14, FB CA MDL 00213423 - 443	49
Exhibit 4	Email exchange, top one from Simon Cross to Steven Elia, 1-29-15, FB-CA-MDL-00227697 - 699	240
Exhibit 5	Excel spreadsheet, FB-CA-MDL-01434884.csv	265
Exhibit 6	Excel spreadsheet, FB-CA-MDL-01434885.csv	266
	Instruction Not to Answer	
	Page 91, Line 9	

Tuesday, February 23, 2021

9:10 a.m.

--o0o--

THE VIDEOGRAPHER: Good morning. We are 09:10  
going on the record at 9:10 a.m. on February 23rd of 09:10  
2021. All participants are attending remotely. 09:10

Audio and video recording will continue to 09:10  
take place unless all parties agree to go off the 09:10  
record. 09:10

This is Media Unit 1 of the recorded 09:10  
deposition of Facebook, Inc. representative, 09:10  
Konstantinos Papamiltiadis, taken by counsel for the 09:10  
plaintiffs in the matter of Facebook, Inc. Consumer 09:10  
Privacy User Profile Litigation filed in the 09:10  
United States District Court, Northern District of 09:10  
California, Case Number 18-md-02843-VC. 09:10

My name is Kimberly Decker from Veritext 09:10  
Legal Solutions and I'm the videographer. The court 09:10  
reporter is Ashala Tylor. I'm not related to any 09:10  
party in this action, nor am I financially 09:11  
interested in the outcome. 09:11

Counsel and all present will now state 09:11  
their appearances and affiliations for the record. 09:11  
If there are any objections to proceeding, please 09:11

Page 7



## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 state them at the time of your appearance, beginning 09:11  
2 with the noticing attorney. 09:11  
3 MS. WEAVER: Good morning, everybody. I'm 09:11  
4 Lesley Weaver, co-lead counsel for plaintiffs and 09:11  
5 from Bleichmar Fonti & Auld. 09:11  
6 MS. DAVIS: Good morning. Anne Davis also 09:11  
7 for plaintiffs, Bleichmar Fonti & Auld. 09:11  
8 MR. MONTGOMERY: Matthew Montgomery for 09:11  
9 plaintiffs, Bleichmar Fonti & Auld. 09:11  
10 MR. MELAMED: Matt Melamed for plaintiffs, 09:11  
11 Bleichmar Fonti & Auld. 09:11  
12 MS. LAUFENBERG: Cari Laufenberg for 09:11  
13 plaintiffs from Keller -- 09:11  
14 THE REPORTER: I'm sorry, one more time, 09:11  
15 please. 09:11  
16 MS. LAUFENBERG: Cari Laufenberg for 09:11  
17 plaintiffs from Keller Rohrbach. 09:11  
18 MR. KO: David Ko of Keller Rohrbach also 09:11  
19 on behalf of the plaintiffs. Good morning. 09:12  
20 MR. LOESER: Good morning. Derek Loeser 09:12  
21 from Keller Rohrbach for plaintiffs. 09:12  
22 MS. STEIN: Are you ready for defendant? 09:12  
23 Deborah Stein from Gibson, Dunn on behalf 09:12  
24 of defendant Facebook. 09:12  
25 MS. CLARK: Martie Kutscher Clark from 09:12

1 Gibson, Dunn also on behalf of Facebook. 09:12

2 MS. MUMM: Laura Mumm from Gibson, Dunn on 09:12

3 behalf of Facebook. 09:12

4 MR. CHEN: And this is Ian Chen. I am 09:12

5 in-house counsel for Facebook. 09:12

6 THE VIDEOGRAPHER: Would the court 09:12

7 reporter please swear in the witness. 09:12

8 09:13

9 KONSTANTINOS PAPAMILTIDIS, 09:13

10 being first duly sworn or affirmed to testify 09:13

11 to the truth, the whole truth, and nothing but 09:13

12 the truth, was examined and testified as follows: 09:13

13 THE REPORTER: Proceed, Counsel. 09:13

14 EXAMINATION 09:13

15 BY MS. WEAVER: 09:13

16 Q. Good morning. And thank you very much for 09:13

17 being here this morning and as we adjust to this new 09:13

18 process. 09:13

19 May I address you as K.P. throughout the 09:13

20 deposition or would you prefer Mr. Papamiltiadis? 09:13

21 A. I don't need to ask counsel's permission 09:13

22 to answer that question. I guess you can. 09:13

23 Q. All right. You come prepared. 09:13

24 I'm going to start by marking a couple of 09:13

25 exhibits, and I think that you've practiced with 09:13

1 your counsel about how to pull those down. These 09:13  
2 will be the deposition notice and Discovery Order 09:13  
3 Number 9. 09:13

4 So, first, we'll mark as Exhibit 1 the 09:13  
5 notice for deposition in this action. And Ms. Davis 09:13  
6 is going to be marking that right now and uploading 09:13  
7 it. 09:13

8 (Exhibit 1 was marked for 09:13  
9 identification and attached 09:13  
10 hereto.) 09:13

11 MS. WEAVER: And then as Exhibit 2 she 09:13  
12 will mark Discovery Order Number 9. 09:13

13 (Exhibit 2 was marked for 09:13  
14 identification and attached 09:13  
15 hereto.) 09:13

16 BY MS. WEAVER: 09:13

17 Q. And I'll direct you to the portions of 09:13  
18 those exhibits I'd like you to review. Just let us 09:13  
19 know when you have those. 09:14

20 MS. DAVIS: They are distributed now. 09:14

21 BY MS. WEAVER: 09:14

22 Q. Are you seeing those, K.P., in your -- 09:14

23 A. Not -- yes, I can see Exhibit 2 now. 09:14

24 Q. Okay. Let's start with 1. 09:14

25 A. I don't need to refresh -- I don't need to 09:14

1 refresh the browser, right? It's automatic, so... 09:14

2 MS. DAVIS: On my end it shows that 1 and 09:14

3 2 are distributing. 09:14

4 THE VIDEOGRAPHER: And you do need to 09:14

5 refresh. 09:14

6 THE WITNESS: Okay. 09:15

7 MS. WEAVER: Yeah, I'm still just seeing 09:15

8 2. 09:15

9 THE WITNESS: Yeah, I can only see 2. 09:15

10 MS. WEAVER: Do you see it now? 09:15

11 THE WITNESS: Let me refresh as well. 09:15

12 Okay. Great. Do you want me to open 09:15

13 number 1? 09:15

14 BY MS. WEAVER: 09:15

15 Q. Yes, please. Thank you. 09:15

16 Do you recognize Exhibit 1? 09:15

17 A. Can I take a look? 09:15

18 Q. Yes, please. 09:15

19 MS. WEAVER: And, for the record, 09:15

20 Exhibit 1 is Plaintiffs' Amended Notice of 09:15

21 Deposition of Defendant Facebook, Inc. Pursuant to 09:15

22 Federal Rule of Civil Procedure 30(b)(6). 09:15

23 Q. K.P., I'll direct your attention just to 09:16

24 page 2 of the document where it says "Matters for 09:16

25 Testimony." 09:16

Page 12

1 BY MS. WEAVER: 09:17

2 Q. So I'll restate my question, K.P. Have 09:17

3 you reviewed Topic 1 before today? 09:17

4 A. I'm sorry, I'm having a hard time locating 09:17

5 where is the Topic 1. 09:17

6 Q. Okay. It's page 2 where it says "Matters 09:17

7 for Testimony" under Roman Numeral III. 09:17

8 MS. STEIN: Lesley, I think it may be 09:17

9 further down in the document. 09:18

10 MR. KO: Yeah, there's a couple page 2s. 09:18

11 K.P., it's page 6 of the PDF. 09:18

12 THE WITNESS: Okay. Sorry. 09:18

13 BY MS. WEAVER: 09:18

14 Q. My apologies. 09:18

15 A. I was like -- I was like, what am I 09:18

16 missing here? 09:18

17 Q. I apologize for that. 09:18

18 I see. Yes, it's page 2 of the exhibit. 09:18

19 A. Wait. Now, I'm getting confused. It's 09:18

20 page 2 -- so I have page 2 under Schedule A. I 09:18

21 have -- 09:18

22 Q. Right. Go to Schedule A and page 2 of 09:18

23 Schedule A. 09:18

24 A. Okay. Matters of testimony. That's what 09:18

25 you're looking at? 09:18

1 Q. Exactly. 09:18

2 A. Okay. 09:18

3 Q. So do you see where it says "Topic 1: The 09:18

4 format, nature, and location of 'discoverable user 09:18

5 data' as defined by Discovery Order Number 9?" Do 09:18

6 you see that? 09:18

7 A. Yes, I do see that. 09:18

8 Q. Are you here today to testify regarding 09:18

9 that topic? 09:18

10 MS. STEIN: Objection to form. 09:18

11 THE WITNESS: Like I said -- 09:18

12 BY MS. WEAVER: 09:19

13 Q. You may answer. 09:19

14 A. I don't know what "format" means in that 09:19

15 context, or "location," but I'm here to tell you 09:19

16 about how Facebook has access to user data and how 09:19

17 this is made available to third parties if that's 09:19

18 relevant. 09:19

19 Q. Okay. Great. And are you here to discuss 09:19

20 data collected from a user's on-platform activity as 09:19

21 well as off-platform activity? 09:19

22 A. Yes. 09:19

23 Q. Okay. Great. As well as data inferred 09:19

24 from on- or off-platform activity? 09:19

25 A. That's correct. 09:19

1 Q. Okay. Great. 09:19

2 What did you do to prepare for your 09:19

3 deposition today? 09:19

4 A. Well, part of my job is to -- you know, 09:19

5 and so my day-to-day job is to work on integrations 09:19

6 that have access to data, including user data. I 09:19

7 have been a Facebook employee for the last eight and 09:19

8 a half years, so this is my day-to-day job to some 09:19

9 extent. At the same time I had a number of sessions 09:19

10 with my counsels in preparation of this deposition 09:19

11 to make sure that I familiarize myself with certain 09:19

12 aspects related to this deposition. 09:20

13 Q. Great. And looking back at Exhibit 1, if 09:20

14 you turn to the next page, it says "Schedule B" 09:20

15 after the matters? 09:20

16 A. Yes. 09:20

17 Q. Do you see where it says Plaintiffs' 09:20

18 request for production of certain documents? There 09:20

19 are two categories of documents. 09:20

20 A. Yeah. 09:20

21 Q. Did you review any documents or consult 09:20

22 them to prepare for your deposition today? 09:20

23 A. I'm not sure they all documents. This is 09:20

24 something I can, you know, like suggest that I have 09:20

25 knowledge of. 09:20



1 I reviewed certain documents, yes, but I 09:20  
2 don't know if that was all of them. 09:20

3 Q. Okay. And what did you review? 09:20

4 A. I reviewed this document, for example. I 09:20  
5 reviewed some data policies from the past 10 or so 09:20  
6 years. I reviewed the contents of the download 09:20  
7 information files. I reviewed developer 09:20  
8 documentation. Different things. 09:21

9 Q. Okay. So when you say you reviewed data 09:21  
10 policies, about how many did you review? 09:21

11 A. I can't remember. Five or six. 09:21

12 Q. Okay. And you said you also reviewed 09:21  
13 developer documentation; is that right? 09:21

14 A. Yes. 09:21

15 Q. And what do you mean by that? What were 09:21  
16 those documents? 09:21

17 A. And so any information with regards to our 09:21  
18 APIs is fully documented on our website, 09:21  
19 developers.facebook.com. And so while I spent a 09:21  
20 considerable amount of my time there, I wanted to 09:21  
21 familiarize myself with certain aspects of the API 09:21  
22 that's maybe, you know, the item of your questions 09:21  
23 here. 09:21

24 Q. Okay. And how many developer documents 09:21  
25 did you review? 09:21

25 want me to -- I may have reviewed like three or four 09:22

1 different, you know, like web pages. 09:22

2 Q. So you would identify those by hyperlinks; 09:22

3 is that right? 09:22

4 A. Yes. 09:22

5 Q. Great. And then did you say that you 09:22

6 reviewed a third category of documents as well? 09:22

7 A. Yes, the contents of the downloaded 09:23

8 information file, the fields included, more 09:23

9 specifically. 09:23

10 Q. And was that a web page as well? 09:23

11 A. That was produced in the form of PDF. 09:23

12 Q. And did you review anything else? 09:23

13 A. I don't think so. That's -- that's pretty 09:23

14 much it. 09:23

15 MS. WEAVER: Okay. So, Counsel, we 09:23

16 obviously already have requested production and 09:23

17 identification of those documents. If they've 09:23

18 already been produced -- we repeat the request. 09:23

19 Q. Do you have a current -- current CV? 09:23

20 A. You mean a resume? 09:23

21 Q. Yes. 09:23

22 A. Yes, I do. 09:23

23 Q. Okay. Great. 09:23

24 MS. WEAVER: We request that as well. 09:23

25 Q. Okay. You joined Facebook in 2012; that's 09:23

1 right? 09:23

2 A. Correct. 09:23

3 Q. And you're a current employee; is that 09:23

4 right? 09:24

5 A. Yes. 09:24

6 Q. So I hope you'll bear with us. We're 09:24

7 laying the foundation, and this is our first 09:24

8 deposition in this case, and so we need to establish 09:24

9 a few definitions that I'm sure will seem obvious to 09:24

10 you. 09:24

11 What is a Facebook user? 09:24

12 MS. STEIN: I'm just going to -- I'm just 09:24

13 going to, you know, object to form, and, you know, 09:24

14 the witness can testify as to his -- the 09:24

15 understanding he'll use today. 09:24

16 BY MS. WEAVER: 09:24

17 Q. So that means you may answer. Go ahead. 09:24

18 So what is a Facebook user? 09:24

19 A. So I'll give you the definition that I 09:24

20 have. I don't think it's anywhere documented. But 09:24

21 when we talk about the Facebook user, we are talking 09:24

22 about the -- the accounts that the human has created 09:24

23 that represents their presence on the Facebook 09:24

24 platform. 09:24

25 Q. And what is a Facebook platform? 09:24



1	A. If we are talking about creating an	09:26
2	account which requires the user to enter a username,	09:26
3	passwords, first name, last name, I don't think	09:26
4	that's possible in every single one of those	09:26
5	products. I don't know that you can create an	09:26
6	account on Portal, for example.	09:26

1 Facebook developer platform? 09:27

2 Q. Facebook -- well, let's start with 09:27

3 Facebook and then talk about the Facebook developer 09:27

4 platform. 09:27

5 MS. STEIN: Objection to form and beyond 09:27

6 the scope of what this witness is authorized to 09:27

7 testify about on behalf of the company. 09:27

8 But you can testify as to your 09:27

9 understanding just for foundation. 09:27

10 BY MS. WEAVER: 09:27

11 Q. I'll ask the question again. 09:27

12 What was the primary purpose of the 09:27

13 Facebook platform when it was created, the website? 09:27

14 A. So Facebook, the -- the Facebook product, 09:27

15 which also is referred as platform, is -- or was 09:27

16 always meant to allow people to connect with each 09:27

17 other and create a more open and connected world. 09:27

18 Q. Thank you. 09:27

19 A. Which would help the value of community 09:27

20 and we build a service to basically help people 09:28

21 connect. 09:28

22 Q. So it was meant to allow people to connect 09:28

23 socially as well; is that fair? 09:28

24 A. No, that's -- 09:28

25 MS. STEIN: Object to form. 09:28

1 THE WITNESS: I mean I don't know of any 09:28  
2 other connection. 09:28  
3 BY MS. WEAVER: 09:28  
4 Q. Okay. And what was the purpose of the 09:28  
5 Facebook developer platform, in your understanding? 09:28  
6 A. The Facebook develop -- 09:28  
7 MS. STEIN: I'm going to object here. 09:28  
8 This, you know, is both outside the scope of the 09:28  
9 deposition and what this witness is authorized to 09:28  
10 testify about. And dating -- dating back -- 09:28  
11 MS. WEAVER: I understand your objection. 09:28  
12 You can either instruct him not to answer or allow 09:28  
13 him to answer. 09:28  
14 MS. STEIN: I will allow him to answer to 09:28  
15 his understanding. 09:28  
16 BY MS. WEAVER: 09:28  
17 Q. So you referenced the Facebook developer 09:28  
18 platform earlier. What's your understanding of its 09:28  
19 purpose when it was created? 09:28  
20 A. And so our mission to -- you know, to 09:28  
21 connect the world and bring the whole world closer 09:28  
22 together is not something that we could do on our 09:28  
23 own resources, you know. So we built the platform, 09:29  
24 like a lot of technology companies have done, to 09:29  
25 allow third parties to build on top of our platform 09:29



1 and bring capabilities and experiences for people to 09:29  
2 connect on their surfaces in many ways. 09:29  
3 Q. And is it fair to say that Facebook has 09:29  
4 three constituents then: Its business partners, 09:29  
5 developer partners, and users? 09:29  
6 MS. STEIN: Objection to form. 09:29  
7 THE WITNESS: I'm not sure I understand 09:29  
8 exactly the definition of developer -- sorry, 09:29  
9 business partner. Because, you know, like developer 09:29  
10 partners are also businesses. So I could probably 09:29  
11 put them in the same bucket. 09:29  
12 BY MS. WEAVER: 09:29  
13 Q. I just didn't quite understand your answer 09:29  
14 there, and my -- 09:29  
15 A. So I -- so I cannot really, you know, like 09:29  
16 give a distinction between business partners and 09:29  
17 developer partners. Developer partners are also 09:29  
18 businesses. 09:30  
19 Q. Got it. So who do you understand to be 09:30  
20 encompassed in the business partners? 09:30  
21 A. Probably -- 09:30  
22 MS. STEIN: Objection to form. 09:30  
23 THE WITNESS: Sorry. 09:30  
24 BY MS. WEAVER: 09:30  
25 Q. You may answer. 09:30

1	A. A business partner is probably anybody	09:30
2	that is not a developer partner, I would imagine, in	09:30
3	that definition.	09:30

7 MS. STEIN: Objection to form. 09:30

12	BY MS. WEAVER:	09:30
----	----------------	-------

14	A. So historically Facebook has engaged with	09:30
15	maybe four or five categories of so-called partners.	09:30
16	One category of them is device manufacturers and	09:30
17	mobile operators. They help us build the -- within	09:30
18	that period of time that I think you're talking	09:31
19	about, they help us build Facebook-like experiences	09:31
20	in order to reach a wider audience.	09:31

1           A third category is anybody that is a           09:31  
2   business that is publishing on our platform, from           09:31  
3   news companies to NZOs, the UNICEFs of this world.           09:31  
4   The WHO is using our platform to make sure that           09:31  
5   people have accurate information about COVID; we           09:31  
6   would consider them to be a partner of some sort.           09:31  
7           And a fourth category would be what, I           09:31  
8   think, other comments may call suppliers. We -- we           09:31  
9   have partners in place with companies like           09:31  
10   Salesforce because we need to maintain a record of           09:31  
11   our, you know, partners. We work very closely with           09:32  
12   Workday because that's where our employee data is           09:32  
13   stored. My salary and everything related to me           09:32  
14   somehow is stored to like this. We would still call           09:32  
15   them or refer to them as a business partner in that           09:32  
16   sense.           09:32  
17           So those broadly are the four categories           09:32  
18   of partners that I can -- I'm not sure if that           09:32  
19   answers your question.           09:32  
20       Q.   That's very helpful. No, thank you very           09:32  
21   much.           09:32  
22           And so, again, this is rudimentary, but           09:32  
23   what do you understand "data" to mean?           09:32  
24           And let me back up and say every time I           09:32  
25   ask you in this deposition -- I refer to "you,"           09:32

1 because you're testifying on behalf of Facebook, I 09:32  
2 mean Facebook. Is that fair? 09:32  
3 A. (Unreportable response.) 09:32  
4 Q. Do you have -- what is your general 09:32  
5 understanding of what data is? 09:32  
6 A. I'm waiting for my counsel. She is not 09:32  
7 talking so I can answer, I guess. 09:32  
8 Q. Yes, exactly. 09:32  
9 A. There is a little bit of lag -- there is a 09:32  
10 little bit of lag. Sorry. I just want to make sure 09:32  
11 I don't talk over about you -- everybody. 09:33  
12 Data is information. 09:33  
13 Q. Okay. And content and code and materials 09:33  
14 as well are all information. Is that all data, in 09:33  
15 your understanding? 09:33  
16 A. Code is not really information. 09:33  
17 Information in the code, if you are an engineer, 09:33  
18 yes. But not in a -- for everybody else. 09:33  
19 Q. Great. Does Facebook collect information 09:33  
20 about how users use Facebook's products? 09:33  
21 A. It's kind of broad statement, but we do 09:33  
22 have an understanding of when people use our 09:33  
23 services, yes. 09:33  
24 Q. Okay. So Facebook collects -- and so 09:33  
25 going forward, when we say "information," we may 09:33

1      also mean data and we can ask for clarification.      09:33

2      But, in general, that's the same concept for      09:33

3      purposes of this deposition; is that fair?      09:33

4            A.    Yeah. I just want to make sure that, you      09:34

5      know, like we don't use those terms very loosely,      09:34

6      because sometime the information that we are talking      09:34

7      about is activity information and not necessarily      09:34

8      user data.      09:34

9            Q.    I understand. So we'll just clarify so      09:34

10      that we have our meanings correctly.      09:34

11            So does Facebook collect information about      09:34

12      when users are using and have last used products,      09:34

13      for example?      09:34

14            A.    Any product, no. The Facebook products,      09:34

15      yes.      09:34

16            Q.    Okay. And Facebook collects information      09:34

17      about posts and videos and contents that they      09:34

18      review; is that right?      09:34

19            MS. STEIN: I'm just going -- sorry. I      09:34

20      just want to -- so --      09:34

21            MS. WEAVER: Please don't coach the      09:34

22      witness. Just state an objection.      09:34

23            MS. STEIN: No, Lesley, this is to you      09:34

24      actually. Just so you're framing your questions in      09:34

25      the present, but the time period is 2012 to 2017.      09:34

1 Do you want to have some sort of agreement so that 09:34  
2 that's -- 09:34  
3 MS. WEAVER: Sure. 09:34  
4 MS. STEIN: You know what I'm saying? I 09:34  
5 just want to have something on the record. I have a 09:35  
6 feeling -- 09:35  
7 MS. WEAVER: That is fair. 09:35  
8 MS. STEIN: -- it might go in and out. 09:35  
9 But I don't coach witnesses, so -- you know, for the 09:35  
10 record. 09:35  
11 MS. WEAVER: Great. 09:35  
12 Q. So for purposes of this deposition, K.P., 09:35  
13 we're going to be referring to the time period 2012 09:35  
14 to 2017. You can assume that. If you need to 09:35  
15 clarify a question, let's just clarify it. Is 09:35  
16 that -- is that fair? Okay. 09:35  
17 A. That's fine by me. 09:35  
18 But can you repeat the question? 09:35  
19 Q. Yeah, no problem. 09:35  
20 A. Thanks. 09:35  
21 Q. So does Facebook also log when users are 09:35  
22 using and have last used Facebook's products? 09:35  
23 A. Yes, we would know when you open them up 09:35  
24 and when you close it. 09:35  
25 Q. And also what posts, videos, and other 09:35

1 contents users view? 09:35

2 A. Yes, we would. 09:35

3 Q. Okay. And do you collect information 09:35

4 about how users' use features like the camera, 09:36

5 Facebook camera? 09:36

6 A. I don't know. I don't think so. Unless 09:36

7 it's within the app itself. 09:36

8 Q. Okay. Does Facebook analyze content 09:36

9 information about users? 09:36

10 A. I'm not sure I understand the question. 09:36

11 What do you mean "content"? 09:36

12 Q. Well, I'm just trying to introduce a 09:36

13 couple of topics here, and I'm actually working off 09:36

14 the congressional testimony that Facebook submitted 09:36

15 in 2018. 09:36

16 So it says "We also receive and analyze 09:36

17 content, communications and information that other 09:36

18 people provide when they use our products." 09:36

19 So I'm just asking you, is it true that 09:36

20 Facebook receives and analyzes content, 09:36

21 communications and information that other people 09:36

22 provide? 09:36

23 A. By "other people," I guess we mean users? 09:36

24 Q. Yes. 09:36

25 A. Okay. I think there's definitely some 09:36

1 truth to that statement. I mean just to give you an 09:37  
2 idea, if you come to Facebook and you post something 09:37  
3 that is against our policies, if -- if it's an 09:37  
4 explicit, you know, something that promotes violence 09:37  
5 or something like that, we have a responsibility to 09:37  
6 take it down. So in that sense we do analyze that 09:37  
7 content for the purposes of keeping our community 09:37  
8 safe. 09:37

9 Q. Okay. Is it true that Facebook collects 09:37  
10 information about the computers, phones, connected 09:37  
11 TVs and other web-connected devices that users use? 09:37

12 A. Throughout the -- the activity we would 09:37  
13 collect the IP address. If it's connected -- or if 09:37  
14 the user is connected through a mobile phone, we 09:37  
15 probably collect information about the carrier. If 09:37  
16 they are on a desktop, we collect information about 09:37  
17 their Internet service provider, yes, the browser 09:37  
18 version, things like this. 09:37

19 Q. Okay. And does Facebook use the 09:37  
20 information collected about users' use of their 09:37  
21 products to better personalize the content, 09:38  
22 including ads or features they see? 09:38

23 A. Yes. 09:38

24 Q. Okay. And -- and so also do -- does 09:38  
25 Facebook track that information across devices that 09:38



1 users use? 09:38

2 MS. STEIN: Object to the form. 09:38

3 THE WITNESS: I'm not sure I understand 09:38

4 what "tracking" means in that sense. 09:38

5 BY MS. WEAVER: 09:38

6 Q. So I'm just again reading to you. 09:38

7 "We use information collected about users' 09:38

8 use of our products on their phone to better 09:38

9 personalize the content they see when they use our 09:38

10 products on another device such as their laptop or 09:38

11 tablet, or to measure whether they took an action in 09:38

12 response to an ad we showed them on their phone on a 09:38

13 different device." 09:38

14 Is that a true statement? 09:38

15 A. Yes, that's a true statement. 09:38

16 Q. Okay. Does that include battery level? 09:38

17 A. I don't think so. 09:38

18 Q. Is it a true statement that Facebook 09:38

19 obtains information from these devices which 09:38

20 includes information about the operating system, 09:38

21 hardware and software versions, battery level, 09:39

22 signal strength, available storage space, browser 09:39

23 type, app and file names and types, and plug-ins? 09:39

24 Is that a true statement? 09:39

25 A. There are certain things there that I 09:39

1 don't think we have any access to. But there are 09:39  
2 certain others like the browser version like I 09:39  
3 mentioned before that we do. 09:39

4 Q. Again, this is from Congress's 09:39  
5 congressional written testimony. 09:39

6 Does Facebook collect information about 09:39  
7 operations and behaviors performed on devices such 09:39  
8 as whether a window is foregrounded or backgrounded 09:39  
9 or mouse movements? 09:39

10 MS. STEIN: Objection to form. 09:39

11 THE WITNESS: I don't know. 09:39

12 BY MS. WEAVER: 09:39

13 Q. Does Facebook collect that information? 09:39

14 A. I don't know. 09:39

15 Q. You don't know? 09:39

16 A. I don't know. 09:39

17 Q. Okay. Does Facebook collect identifiers 09:39  
18 about users? 09:39

19 A. Can you explain what you mean by 09:39  
20 "identifiers"? 09:39

21 Q. Yeah. What is an identifier? Do you 09:39  
22 know? 09:40

23 A. Well, I mean the users are locked in when 09:40  
24 they are on Facebook, so we already have an 09:40  
25 understanding of who the users are. Is that an 09:40

1 identifier? 09:40

2 Q. Okay. Is there something called a 09:40

3 Facebook identifier? 09:40

4 A. There's a Facebook identity. 09:40

5 Q. Do you know what a Facebook identifier is, 09:40

6 a user identifier? 09:40

7 A. No. 09:40

8 Q. Okay. So is this statement true: 09:40

9 Facebook collects information about unique 09:40

10 identifiers, device IDs and other identifiers, such 09:40

11 as from games, apps or accounts users use and family 09:40

12 device identifiers? Does Facebook collect that 09:40

13 information? 09:40

14 A. I mean we have an understanding of people 09:40

15 that log in on third-party apps using the Facebook 09:40

16 identity, and we have an ID for that, yes. 09:40

17 Q. And, for example, Apple has its own 09:40

18 identifier; isn't that true? 09:40

19 A. Yes, we have an Apple ID, I guess. 09:40

20 Q. And there's an Android ID as well; is that 09:41

21 right? 09:41

22 A. Yes. 09:41

23 Q. And a Google ID? 09:41

24 A. It's probably the same as Android, yes. 09:41

25 Q. Okay. And so does Facebook use those 09:41

1 identifiers to collect information about people? 09:41

2 A. Those specific ones, no. 09:41

3 Q. Okay. Do they use -- they don't use 09:41

4 those -- are you -- are you testifying today that 09:41

5 Facebook does not use the Apple identifier to 09:41

6 collect information about people? 09:41

7 A. We don't. 09:41

8 Q. Okay. 09:41

9 A. How can we? 09:41

10 Q. Okay. 09:41

11 A. It's impossible. 09:41

12 Q. Does Facebook collect information about 09:41

13 Bluetooth signals and information about nearby Wi-Fi 09:41

14 access points, beacons and cell towers? 09:41

15 A. I believe we do, yes. 09:41

16 Q. Does Facebook collect data from device 09:41

17 settings, information that users allow us -- let me 09:41

18 try that. Do they collect data from device settings 09:41

19 when users turn them on, such as their GPS location, 09:41

20 camera or photos? 09:41

21 A. Some of that would require consent, but I 09:42

22 think, broadly speaking, if there is consent, yes, 09:42

23 we do collect. 09:42

24 Q. For these other categories that we have 09:42

25 been discussing, does Facebook collect that data 09:42

1 without consent? 09:42

2 MS. STEIN: Object to form. 09:42

3 THE WITNESS: Sorry, I didn't hear the 09:42

4 objection. 09:42

5 BY MS. WEAVER: 09:42

6 Q. You said that for these kinds of data you 09:42

7 sometimes had to obtain consent. Are there -- is 09:42

8 there other kinds of data that Facebook collects 09:42

9 without consent? 09:42

10 A. No, no, no. 09:42

11 Q. All right. 09:42

12 A. I should probably say that's from 09:42

13 everything. But it seems that there was an omission 09:42

14 from my part. There's no way we can collect any of 09:42

15 that data without users' consent. 09:42

16 Q. Okay. Does Facebook collect information 09:42

17 about users' connection speed and other devices that 09:42

18 are nearby? 09:42

19 A. I don't know about the other devices, but 09:42

20 the connection speed is something that we would log, 09:42

21 yes. 09:42

22 Q. Okay. Well, is it a true statement that 09:42

23 "Facebook collects information about other devices 09:42

24 that are nearby or on their network so we can do 09:42

25 things like help users stream a video from their 09:43

1 phone to their TV"? Is that a true statement? 09:43

2 A. Yes, that's a true statement. 09:43

3 Q. Okay. Does Facebook also collect cookie 09:43

4 data? 09:43

5 A. We have access to certain cookies, yes. 09:43

6 Q. Okay. So it's a true statement that 09:43

7 Facebook collects data from cookies stored on a 09:43

8 users' device, including cookie IDs and settings; is 09:43

9 that right? 09:43

10 A. Yes. 09:43

11 MS. STEIN: Object to form. 09:43

12 BY MS. WEAVER: 09:43

13 Q. Do you know what a Facebook pixel is? 09:43

14 A. Yes, I do. 09:43

15 Q. What is a Facebook pixel? 09:43

16 A. How -- okay. Let me try to make it plain 09:43

17 and simple. 09:43

18 On a third-party website there is one 09:44

19 pixel which goes back to the old days of how, you 09:44

20 know, like the computer screens used to work. This 09:44

21 Facebook owns, and whenever someone visits that 09:44

22 website, that pixel will fire an event that will 09:44

23 effectively confirm to Facebook that a user has 09:44

24 visited that website. 09:44

25 Q. So do pixels uniquely identify users of 09:44

1 the platform on and off the platform? 09:44

2 A. No. 09:44

3 Q. What do they identify? 09:44

4 A. The pixels identify someone visiting the 09:44

5 website. It doesn't identify the user. 09:44

6 Q. So is it accurate to say that where a 09:44

7 website has embedded a Facebook pixel, Facebook 09:44

8 collects data about user actions on that website, 09:44

9 even if the user is not signed in to Facebook, 09:44

10 right? 09:44

11 A. And so let's say you go to CNN.com -- I 09:44

12 don't know if that's your media provider of choice, 09:44

13 but for the sake of the argument -- and there is a 09:44

14 Facebook pixel embedded. That will fire an event 09:45

15 that will basically say user X has visited CNN.com. 09:45

16 And that information will come to Facebook, and 09:45

17 Facebook will actually identify whether it was K.P. 09:45

18 or Lesley. 09:45

19 Q. And does data collected from pixels 09:45

20 include items placed in shopping carts or purchases 09:45

21 or which pages are viewed? 09:45

22 MS. STEIN: Objection to form. 09:45

23 THE WITNESS: Can we break it down? It's 09:45

24 huge. Maybe. Depends on whether the third party 09:45

25 has implemented the pixel on different pages. 09:45

1 Things added to the cart. Not the things 09:45  
2 that have been added to the cart but potentially the 09:45  
3 action taken. It's not relevant for -- for the 09:45  
4 third party to share that information but share the 09:45  
5 action. 09:45  
6 What was the third one? 09:45  
7 BY MS. WEAVER: 09:45  
8 Q. I believe it was which pages are viewed. 09:45  
9 A. Yes. So, like I said, if there is a pixel 09:46  
10 embedded on different pages, we would have an 09:46  
11 understanding that it wasn't just the home page but 09:46  
12 it was, say, the landing page, or it was a product 09:46  
13 page, better say, or the cart page, or something 09:46  
14 like that. 09:46  
15 Q. Okay. What is the like button? 09:46  
16 A. It's a plug-in. 09:46  
17 Q. And what does that mean? 09:46  
18 A. It's something that allows the user to 09:46  
19 take action that will be shared on Facebook on a 09:46  
20 third-party website. 09:46  
21 Q. And so in a sense is a like providing 09:46  
22 information about whether a user approves or likes 09:46  
23 an object that it is engaging with? 09:46  
24 A. Yeah, if you like -- if you click on the 09:46  
25 like button when you are -- again, on a third-party 09:46



1 website, and that suggests that you're probably 09:46  
2 liking that story that you just read. 09:47  
3 Q. Okay. So there's some content provided by 09:47  
4 the like button; is that right? 09:47  
5 A. Well, the content is provided by the third 09:47  
6 party. The like button captures your affinity with 09:47  
7 that company. 09:47  
8 Q. Understood. 09:47  
9 You mentioned APIs earlier. Could you 09:47  
10 just for the record define an API and explain how it 09:47  
11 works. 09:47  
12 A. An API is basically an industry-wide 09:47  
13 standard that allows two applications to communicate 09:47  
14 with each other. And what I mean by applications, 09:47  
15 I'm talking about pieces of software. 09:47  
16 Q. Okay. And what is an SDK? 09:47  
17 A. An SDK is a way to, you know, access the 09:47  
18 APIs without necessarily writing code that would 09:47  
19 make it a little bit harder. 09:47  
20 So, in other words, I guess, what I'm 09:47  
21 trying to say is that the -- the SDK is a piece of 09:47  
22 software that would allow a third-party developer to 09:48  
23 access the Facebook APIs through the SDK, whereas in 09:48  
24 the old days if you want to really access the API 09:48  
25 you have to double the amount of code or maybe even 09:48

1 more to access the same AP. 09:48

2 Q. Got it. And what are Facebook business 09:48

3 tools? 09:48

4 A. It's a very broad definition, but it 09:48

5 refers to the different tools that businesses use to 09:48

6 monitor their presence manage on the Facebook 09:48

7 platform. 09:48

8 Q. Okay. So is it a true statement that 09:48

9 advertisers, app developers, and publishers can send 09:48

10 Facebook information through Facebook business tools 09:48

11 they use, including social plug-ins, like the like 09:48

12 button, Facebook log-in, Facebook's APIs and SDKs or 09:48

13 the Facebook pixel? Is that a true statement? 09:48

14 A. That -- that's correct. 09:48

15 Q. And you referred to partners earlier. Do 09:49

16 you recall that discussion? 09:49

17 A. Yes. 09:49

18 Q. Okay. So going forward in the deposition 09:49

19 we'll use your definition of partners. Is that 09:49

20 fair? 09:49

21 A. That's okay by me. 09:49

22 Q. So do partners provide information about 09:49

23 users' activities off Facebook, including 09:49

24 information about their device, websites they visit, 09:49

25 purchases they make, the ads they see and how they 09:49

1 use their services whether or not they have a 09:49  
2 Facebook account or are logged in to Facebook? Is 09:49  
3 that a true statement? 09:49  
4 MS. STEIN: Objection to form. 09:49  
5 THE WITNESS: This is a very broad 09:49  
6 statement. So if you want me to answer I think we 09:49  
7 need to break it down a little bit. 09:49  
8 BY MS. WEAVER: 09:49  
9 Q. Great, go ahead. So is it true that 09:49  
10 partners provide information about users' activities 09:49  
11 off Facebook? 09:49  
12 A. Again -- 09:49  
13 MS. STEIN: Objection to form. 09:49  
14 THE WITNESS: Okay. Based on my 09:49  
15 definition of what a partner is, we're only talking 09:50  
16 about a subset for those partners that use any of 09:50  
17 the products that you just listed before. They 09:50  
18 either use the pixel or the SDK or the -- to the API 09:50  
19 or they advertise on Facebook. 09:50  
20 Okay. So for those four scenarios, 09:50  
21 anybody, any business out there that uses any of 09:50  
22 those products, they do send some information back 09:50  
23 to Facebook. 09:50  
24 BY MS. WEAVER: 09:50  
25 Q. Okay. And that can include information 09:50

1 about users' devices; is that right? 09:50

2 A. I'm not sure about the pixel or the API 09:50

3 or -- the SDK, most likely, yes, in certain 09:50

4 scenarios. 09:50

5 Q. Okay. Do partners -- those partners in 09:50

6 general provide information about websites users' 09:50

7 visits and purchases they make? 09:50

8 MS. STEIN: Objection to form. 09:50

9 THE WITNESS: Okay. So that would mean 09:50

10 that they use the pixel and they would have to fire 09:50

11 an event when the user visits their website, and 09:51

12 that means that they will do that after the user has 09:51

13 probably seen an ad and they will probably -- and 09:51

14 it's up to them about how they're going to implement 09:51

15 it if the user decides to buy something. 09:51

16 But that's not necessarily how the whole 09:51

17 thing works. This is just one specific 09:51

18 implementation. 09:51

19 BY MS. WEAVER: 09:51

20 Q. Yeah, I'm just asking at a very high 09:51

21 level. It's a pretty simple question. 09:51

22 A. Okay. At a very high level, if you want 09:51

23 to, you know, like talk about how the systems work, 09:51

24 if you are an advertiser on Facebook, you want to 09:51

25 make sure that your dollars are well spent. And 09:51

1     what you would do is implement the pixels because     09:51  
2     you want to track the performance of your ad     09:51  
3     campaigns. And how do you track the performance of     09:51  
4     your ad campaigns? It's a function of what business     09:51  
5     you're running.     09:51

6             If you're in the service provider, you     09:51  
7     would probably fire a pixel when somebody makes an     09:51  
8     appointment, or, you know, books a test drive. If     09:51  
9     you are a product company or a commerce side and you     09:51  
10    are selling products, you'll fire a pixel when     09:52  
11    someone completes a purchase. And like that you can     09:52  
12    track the investment that you made on your ad     09:52  
13    campaign.     09:52

14            Q. Let's talk, for example, about a game     09:52  
15    developer. If a game developer has a Facebook user     09:52  
16    on it, do they use Facebook's API to tell Facebook     09:52  
17    what games a user plays, for example?     09:52

18            MS. STEIN: Objection to form.     09:52

19            THE WITNESS: Okay. This is again a very     09:52  
20    broad scenario. But let me spell it out, right?     09:52

21            So let's say I want to play Word With     09:52  
22    Friends. I have options. I can log in with     09:52  
23    Facebook or I can create an account directly.     09:52

24            If I log in with Facebook, then, you know,     09:52  
25    the developer will request my consent to access     09:52

1 certain pieces of my identity that will come from 09:52  
2 Facebook, like my first name, like my last name, 09:52  
3 like my profile picture. To the extent that I 09:52  
4 provide consent to that developer, the developer 09:53  
5 will have access to that information. 09:53

6 From then on every time I log in to play 09:53  
7 Words with Friends, Facebook will have to reconfirm 09:53  
8 the identity of that user and make sure that the 09:53  
9 user remains logged in with Words with Friends. 09:53

10 BY MS. WEAVER: 09:53

11 Q. Okay. So, again, this is from the 09:53  
12 congressional testimony, and I just want to 09:53  
13 understand it. It says "Facebook also receives 09:53  
14 information about users' online and offline actions 09:53  
15 and purchaser -- purchases from third-party data 09:53  
16 providers who have the rights to provide us with 09:53  
17 users' information." 09:53

18 Do you agree with that sentence? 09:53

19 MS. STEIN: Object to form. 09:53

20 BY MS. WEAVER: 09:53

21 Q. Is that correct? 09:53

22 A. Well, if it's on the congressional and 09:53  
23 it's validated by Facebook, I would say, yes, I 09:53  
24 agree. 09:53

25 Q. Okay. So do the third-party data 09:53

1 providers provide Facebook information about the 09:53  
2 activities on the third-parties' apps or sites at a 09:53  
3 high level? 09:54

4 A. I think -- at a high level, it would be 09:54  
5 the same business that would provide information, 09:54  
6 not anything Facebook. 09:54

7 Q. Got it. 09:54

8 MS. WEAVER: Okay. I'll mark now as 09:54  
9 Exhibit 2 -- or I say I will, but I am asking my 09:54  
10 colleague, Anne Davis, to do that. This is a 09:54  
11 document bearing Bates numbers FB-CA-MDL-00213423 09:54  
12 through 443. 09:54

13 Q. And while we're waiting, have you been 09:54  
14 deposed before? 09:54

15 A. Yes. 09:54

16 Q. Okay. So I'm asking partly just if you 09:54  
17 know what a Bates number is. 09:54

18 There are documents -- and there actually 09:54  
19 was a man named Bates in 1899 who created a stamp 09:54  
20 that he put on these documents in the lower 09:54  
21 right-hand corner. So it's just a way of 09:54  
22 consecutively numbering hard copy documents that 09:54  
23 would probably be obsolete in your world, but that 09:55  
24 is what I just read into the record. 09:55

25 A. Okay. 09:55

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. Have you testified on behalf of Facebook 09:55  
2 before? 09:55  
3 A. No. 09:55  
4 Q. Okay. How many times have you been 09:55  
5 deposed? 09:55  
6 A. This my fourth one. 09:55  
7 Q. And were you deposed on topics similar to 09:55  
8 the topics we're discussing today? 09:55  
9 MS. STEIN: Objection to form. 09:55  
10 THE WITNESS: I've been deposed and 09:55  
11 discussing about various topics. I don't know where 09:55  
12 this is going to head to -- 09:55  
13 BY MS. WEAVER: 09:55  
14 Q. Okay. 09:55  
15 A. -- so I can answer that question at the 09:55  
16 end of the day. 09:55  
17 Q. Fair enough. Were those depositions in 09:55  
18 relation to your employment at Facebook? 09:55  
19 A. Yes. 09:55  
20 Q. Okay. And did they occur in the last four 09:55  
21 years? 09:55  
22 A. I can't remember the first one, but I 09:55  
23 assume it would be in the last four years, but they 09:55  
24 are the last two years. 09:55  
25 Q. Okay. Do you know if any of those 09:55

Page 47



1 depositions were conducted by regulators? 09:55

2 A. Yes. 09:55

3 Q. Which regulators? 09:56

4 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

12 Q. Okay. And what were the other two 09:56

13 depositions or three depositions that you have sat 09:56

14 for? 09:56

15 A. So there are another two. One was a 09:56

16 private litigation in Canada. The other was a 09:56

17 private litigation in the U.S. 09:56

18 Q. Okay. Do you recall what each of those 09:56

19 litigations were about? 09:56

20 A. Let me think. The first one, which was -- 09:56

21 I don't remember exactly when it was, three or four 09:56

22 years ago -- was around the Facebook platform and 09:56

23 access to the APIs. And the deposition in Canada 09:56

24 was around, I think, access to user data. But very 09:56

25 broadly. 09:57

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1

█

█

█

█

█

█

█

█

█

11

A. I believe so, yes.

09:57

12

Q. Okay. And do you recall how many there

09:57

13

were, roughly?

09:57

14

A. I have no idea. I'm sorry.

09:57

15

Q. That's okay. It's not a memory test, but

09:57

16

I'm just asking in general.

09:57

17

█

█

20

Q. Okay. Why don't we pull up -- is it

09:57

21

there? I need to refresh my Marked Exhibit set. I

09:57

22

have an Exhibit 3.

09:57

23

(Exhibit 3 was marked for

09:57

24

identification and attached

09:57

25

hereto.)

09:57

Page 49

1	BY MS. WEAVER:	09:57
2	Q. Do you have an Exhibit 3?	09:57
3	A. So we're going to 3?	09:57
4	Q. We are going to 3.	09:58
5	A. Okay. I don't see it yet.	09:58
6	Q. I think you might need to refresh.	09:58
7	Do you have Exhibit 3 yet?	09:58
8	A. Yes.	09:58
9	Q. Okay.	09:58
10	MS. WEAVER: For the record, Exhibit 3 is	09:58
11	an email dated May 8, 2014, with some attachments.	09:58
12	Q. Have you seen Exhibit 3 before?	09:58
13	A. No, I haven't.	09:58
14	Q. Okay. Did --	09:58
15	MS. STEIN: Why don't you give the witness	09:58
16	an opportunity to review the document.	09:58
17	MS. WEAVER: Okay. Thanks, Deb. You were	09:58
18	about to get in trouble.	09:58
19	Q. So there's the cover email, K.P., but if	09:58
20	you look at the attachment, and I direct your	09:58
21	attention to the Bates number that ends with 424.	09:58
22	Remember the -- if you look at the bottom there.	09:58
23	THE WITNESS: Yes, I've seen those pages,	09:58
24	yes.	09:59
25		

1 BY MS. WEAVER: 09:59

2 Q. Okay. And when did you last see them? 09:59

3 A. Either yesterday or Friday. 09:59

4 Q. When did you first see them? 09:59

5 A. Maybe Friday. 09:59

6 Q. Okay. You hadn't seen them before Friday? 09:59

7 A. No. 09:59

8 Q. Is that right? Okay. 09:59

9 Do you have an understanding as to what 09:59

10 Exhibit 3 is? 09:59

11 A. I don't know the contents of the email, 09:59

12 but I think I can understand the page that you asked 09:59

13 me to look at, what it meant to be. 09:59

14 Q. Okay. And what is your understanding? 09:59

15 A. It's definition of different data that 09:59

16 Facebook may have accessed. 09:59

17 Q. Okay. And let me back up again. This is 09:59

18 foundational. Do people communicate by email at 09:59

19 Facebook? 09:59

20 A. It's one of the ways to communicate, yes. 09:59

21 Q. How else do people communicate in the 09:59

22 course of doing business at Facebook? 09:59

23 A. We use a version of the product that is 09:59

24 designed for the business world called Workplace. 09:59

25 We use a version of our Messenger product, which is 10:00

1 also an example, a device called Workset. We use 10:00  
2 emails. We use Zoom. We use other 10:00  
3 videoconferencing facilities. We use our telephones 10:00  
4 to call each other. Different ways. 10:00  
5 Q. And people text as well; is that right? 10:00  
6 A. We don't like text messaging. We have our 10:00  
7 own messaging apps. 10:00  
8 Q. Just out of curiosity, is the Facebook 10:00  
9 Messenger that people that work at Facebook use, is 10:00  
10 that different than the Facebook Messenger that 10:00  
11 users on the platform use, or is it the same? 10:00  
12 A. I mean I use Messenger the same way you 10:00  
13 would use it. But internally I don't use that 10:00  
14 version of the product. I use an Enterprise 10:00  
15 personal product -- 10:00  
16 Q. Okay. 10:00  
17 A. -- which is called Workset. 10:00  
18 Q. And what's the difference functionally 10:00  
19 between those two? 10:00  
20 MS. STEIN: Objection. This is like way 10:00  
21 beyond the scope about what employees at Facebook 10:00  
22 use. 10:01  
23 MS. WEAVER: Okay. Fine. It's fine. I 10:01  
24 was trying to establish a foundation, but I guess we 10:01  
25 can come back to that in another deposition. 10:01

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. So, K.P., back to Exhibit 3. Do you who 10:01  
2 Simone LiTrenta is? 10:01  
3 A. No. 10:01  
4 Q. Okay. Looking at just the cover email, do 10:01  
5 you recognize the names of anybody on this email as 10:01  
6 individuals who work at Facebook? 10:01  
7 A. I recognize Matt Scutari, Rob Sherman, and 10:01  
8 Erin Egan. 10:01  
9 Q. And you understand that those are 10:01  
10 employees of Facebook during the time this email was 10:01  
11 written; is that right? 10:01  
12 A. That is 2014? Yes, I believe so. 10:01  
13 Q. Okay. And do you believe Exhibit 3 to be 10:01  
14 an email sent by employees at Facebook in the 10:01  
15 regular course of business? 10:01  
16 A. Yes, that looks like. 10:01  
17 Q. Okay. Do you have an understanding as to 10:01  
18 what the materials that are attached to this email 10:02  
19 are? 10:02  
20 A. I think it's a set of definitions that -- 10:02  
21 or slides that were meant to be presented at an 10:02  
22 off-site. 10:02  
23 Q. Okay. And what is -- do you know what the 10:02  
24 global policy team is? 10:02  
25 A. Yes. 10:02

1 Q. What is it? 10:02

2 A. It's a team that is responsible for our 10:02

3 relationships with governments and regulators. 10:02

4 Q. Okay. And just again by way of 10:02

5 understanding how Facebook functions, you see 10:02

6 there's a Dropbox hyperlink here in the email? 10:02

7 A. Yes. 10:02

8 Q. Does Facebook also use Dropbox? 10:02

9 MS. STEIN: Objection to form. This 10:02

10 isn't -- not an ESI depo and he is not testifying 10:02

11 about what Facebook uses internally. Let's focus on 10:02

12 the subjects that he's here for. 10:02

13 MS. WEAVER: I'm trying to understand if 10:02

14 this document is complete, and that's a little bit 10:02

15 difficult to do. So are you going to instruct him 10:03

16 not to answer? 10:03

17 MS. STEIN: Is there a reason why you 10:03

18 think the document is not complete? 10:03

19 MS. WEAVER: Okay. Let me question. 10:03

20 Q. So is it true that Facebook -- people use 10:03

21 Dropbox at Facebook to share document files? 10:03

22 A. Can I answer? 10:03

23 Q. Yes. 10:03

24 A. Sorry, I was looking at the document. 10:03

25 Q. No problem. 10:03

1           A.    It's -- it's true that for files that are           10:03  
2   concise that are too big to send by email we would           10:03  
3   use Dropbox.           10:03  
4           Q.    Okay.  Is there any way to know whether or           10:03  
5   not a hard copy version of a document like this was           10:03  
6   everything that was contained in the hyperlink or           10:03  
7   would you have to see it in native form?           10:03  
8           MS. STEIN:  Objection to form.           10:03  
9           Lesley, next.           10:03  
10   BY MS. WEAVER:           10:03  
11           Q.    Please answer the question.           10:03  
12           A.    I'm not sure I understand exactly what you           10:03  
13   saying.  I don't even know what you have printed           10:03  
14   out, so I cannot really establish whether it's a           10:03  
15   complete document or not.           10:03  
16           Q.    Okay.  Is there -- normally -- let me ask           10:03  
17   this.  Does Facebook maintain document like --           10:04  
18   documents like this in PDF form or are they native?           10:04  
19           MS. STEIN:  Objection to form.           10:04  
20           Lesley, move on.           10:04  
21   BY MS. WEAVER:           10:04  
22           Q.    Please answer the question.           10:04  
23           MS. STEIN:  It's not an ESI deposition.           10:04  
24   Move on.           10:04  
25           MS. WEAVER:  I'm trying to understand this           10:04



1 document, which we gave to you ahead of time, and 10:04  
2 whether or not it's complete. So please allow him 10:04  
3 to answer. 10:04

4 MS. STEIN: Ask him if he knows whether 10:04  
5 it's complete. Don't ask him about things that have 10:04  
6 nothing to do with what he's here to testify about 10:04  
7 here today. He's not authorized on behalf of 10:04  
8 Facebook to talk about Dropbox, email, messaging 10:04  
9 that gets used internally. 10:04

10 BY MS. WEAVER: 10:04

11 Q. So, K.P., can I ask you, is there any kind 10:04  
12 of -- for Dropbox is there any -- well, just -- I'll 10:04  
13 move on. I'll come back to it. 10:04

14 So looking back at Exhibit 3, and turning 10:04  
15 to the first page ending at Bates number 424 -- 10:04

16 A. 424, yes. 10:05

17 Q. -- it says "Ads and Measurement" on top. 10:05  
18 Do you see that? 10:05

19 A. Yes. 10:05

20 Q. And you said earlier that you know who Rob 10:05  
21 Sherman is; is that right? 10:05

22 A. Yes, I do. 10:05

23 Q. And who is he? 10:05

24 A. He's the VP of privacy. 10:05

25 Q. And he's still at Facebook; is that right? 10:05

Page 57

1 Q. Okay. And specifically to prepare for 10:06  
2 this deposition in response to this notice, how much 10:06  
3 time did you spend preparing? 10:06  
4 A. I don't know. Between, you know, calls 10:06  
5 with my counsels and homework that I have done for 10:06  
6 myself, I would say 15-20 hours. 10:06  
7 Q. Okay. Thank you. 10:06  
8 And looking back now at the page that we 10:06  
9 were looking at ending in Bates number 424, do you 10:06  
10 see that it describes three categories of data on 10:06  
11 the left? 10:06  
12 A. Yes. 10:06  
13 Q. And it says "Native Data, Appended Data 10:07  
14 and Behavioral Data." Do you see that? 10:07  
15 A. Yes. 10:07  
16 Q. Do you have an understanding as to what 10:07  
17 native data is? 10:07  
18 A. I can see that the definition of that is 10:07  
19 data collected through our website apps and branded 10:07  
20 products. 10:07  
21 Q. Okay. And is that consistent with your 10:07  
22 understanding? 10:07  
23 A. Yes, it makes sense. 10:07  
24 Q. Okay. And then what is appended data? 10:07  
25 MS. STEIN: Object to form. 10:07

1 THE WITNESS: Data that is -- what? 10:07

2 MS. STEIN: Objection to form. 10:07

3 BY MS. WEAVER: 10:07

4 Q. I'll repeat the question. What is 10:07

5 appended data? 10:07

6 MS. STEIN: Same objection. 10:07

7 THE WITNESS: It's -- sorry. I have to 10:07

8 look at the document while you're talking. I don't 10:07

9 mean to talk over you. 10:07

10 It's okay I answer the question now? 10:07

11 BY MS. WEAVER: 10:07

12 Q. Yes. 10:07

13 A. Okay. It's data provided by third 10:07

14 parties. 10:07

15 Q. I'm sorry, data provided by -- I just 10:07

16 didn't hear you. 10:07

17 A. Third parties. 10:08

18 Q. Okay. So for the record, appended data is 10:08

19 data provided by third parties; is that correct? 10:08

20 A. Yes, as it is defined here, yes. 10:08

21 Q. Okay. And what is behavioral data? 10:08

22 MS. STEIN: Objection to form. 10:08

23 THE WITNESS: Sorry, I need to switch back 10:08

24 to see -- you don't want to talk. Okay. 10:08

25 So it's data collected for activity on 10:08

1 third parties using the Facebook product. 10:08

2 BY MS. WEAVER: 10:08

3 Q. Okay. And as you sit here today, are 10:08

4 there any other kinds of information Facebook 10:08

5 receives about people other than these three 10:08

6 categories? 10:08

7 A. I don't think so. 10:08

8 Q. Okay. Let's return to our discussion of 10:08

9 native data. Do you have an understanding as to why 10:08

10 the word "native" is being used? What does that 10:08

11 mean? Is it the same as raw data? 10:09

12 MS. STEIN: Objection to form. 10:09

13 THE WITNESS: Every piece of data has a 10:09

14 degree of rawness associated with it. Depends how 10:09

15 you define raw. 10:09

16 BY MS. WEAVER: 10:09

17 Q. Okay. I just didn't quite hear. Every 10:09

18 piece of data has a particular -- 10:09

19 A. (Indecipherable). I'm joking. 10:09

20 They -- if you are talking about raw data, 10:09

21 what do you mean? 10:09

22 Q. Okay. Well, I'm trying to learn from you, 10:09

23 so let me ask you. 10:09

24 A. The IP address -- the IP address is raw 10:09

25 data. 10:09

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. Uh-huh, okay. Good. 10:09

2 A. But it comes through activity that happens 10:09

3 on a native Facebook app. The "native" means, in my 10:09

4 mind, the way I see the definition there, as 10:09

5 activity that's happening on Facebook platform. 10:09

6 Q. Okay. So for the record, native data is 10:09

7 data relating to activity on the Facebook platform; 10:09

8 is that right? 10:09

9 A. Correct. 10:09

10 Q. Okay. And so when we -- [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 10:10

14 A. [REDACTED] 10:10

15 Q. [REDACTED] 10:10

16 A. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 10:10

22 Q. Okay. Can you think of any other branded 10:10

23 apps in the United States that were used during 2012 10:10

24 to 2017? 10:10

25 A. Facebook branded apps? Messenger, 10:10

1 Instagram. 10:10

2 Q. Great. Thank you. 10:10

3 And then on the right it seems -- this 10:10

4 chart seems to further break down categories of 10:10

5 native data. Do you see that? 10:10

6 A. Yes. 10:10

7 Q. Okay. And there's a column or really a 10:10

8 box that says "Explicitly collect." Do you see 10:10

9 that? 10:11

10 A. Yes. 10:11

11 Q. And then it lists profile info, email 10:11

12 address, phone number, et cetera. And then below 10:11

13 that it says "Implicitly collect." And it lists a 10:11

14 number of data. And then under that it says "Infer 10:11

15 from engagement on the site." Do you see all of 10:11

16 those boxes? 10:11

17 A. Yes. 10:11

18 Q. Okay. Do you have an understanding as to 10:11

19 what "Explicitly collect" means? 10:11

20 A. Explicitly collect -- I'm sorry, I'm 10:11

21 looking back. Explicitly collect is something the 10:11

22 user has submitted on their own. 10:11

23 Q. Okay. And so that means that a user has 10:11

24 taken an action to share the data; is that fair? 10:11

25 A. Correct. 10:11

1 Q. Okay. And so what does "Implicitly 10:11  
2 collect" mean? 10:11  
3 MS. STEIN: Object to form. 10:11  
4 THE WITNESS: So that would mean 10:11  
5 activities related to data. 10:11  
6 BY MS. WEAVER: 10:11  
7 Q. I'm sorry, did you -- 10:11  
8 A. So -- so -- just to draw the distinction, 10:12  
9 right, this is data that we collect during someone's 10:12  
10 use of the Facebook app. So the IP address or the 10:12  
11 device information is not something that the user 10:12  
12 would have to type in and say, hey, this is my IP 10:12  
13 address. It's something that we would collect when 10:12  
14 a user uses Facebook because we would know which IP 10:12  
15 address they are accessing Facebook from. 10:12  
16 Q. Is it fair to say that the kinds of data 10:12  
17 that Facebook implicitly -- implicitly collects is 10:12  
18 data that Facebook observes? 10:12  
19 A. Observes? It's confusing me. So what do 10:12  
20 you mean by that? 10:12  
21 Q. Okay. No, I'm just trying to understand 10:12  
22 and put it in English for a layperson by -- so you 10:12  
23 understand what I'm trying to do here. So let me 10:12  
24 try to ask a better question. 10:12  
25 Is it fair to say that the data that is 10:12



1 implicitly collected by Facebook is not expressly 10:12  
2 shared by users? 10:12  
3 MS. STEIN: Objection to form. 10:12  
4 THE WITNESS: So they may not be explicit 10:13  
5 shared because they submit the data to us, but they 10:13  
6 have agreed to share that data because they have 10:13  
7 agreed to the privacy policies -- 10:13  
8 BY MS. WEAVER: 10:13  
9 Q. Okay. 10:13  
10 A. -- that make it clear that we will have 10:13  
11 access to this kind of data. 10:13  
12 Q. Okay. And do you see where it says 10:13  
13 "Device identifiers" here? 10:13  
14 A. Yes. 10:13  
15 Q. And it lists a number of identifiers. Do 10:13  
16 you see that? 10:13  
17 A. Yes. 10:13  
18 Q. Okay. And what is UDID? 10:13  
19 A. I think it's another way of calling the 10:13  
20 Android ID. 10:13  
21 Q. And then what is IDFA? 10:13  
22 A. It's an Apple identifier. 10:13  
23 Q. And Google Ad ID, do you see that? 10:13  
24 A. Yes. 10:13  
25 Q. And what is that? 10:13

1 A. I think that's an ID used specifically 10:13

2 around Google ads. 10:13

3 Q. Okay. So does Facebook implicitly collect 10:13

4 device identifiers? 10:13

5 A. We have access to those identifiers. 10:14

6 Q. Okay. And it also collects location 10:14

7 device, GPS, Wi-Fi, IP address, phone number, 10:14

8 carrier and device type; is that right? 10:14

9 A. Yes. 10:14

10 MS. STEIN: Object. Objection to form. 10:14

11 BY MS. WEAVER: 10:14

12 Q. [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] 10:14

15 A. Yes, I do. 10:14

16 Q. What does that refer to? 10:14

17 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 10:14

1

■

■

■

■

6

Q. How did you know?

10:15

7

So how does Facebook retain that

10:15

8

information once it draws that inference?

10:15

9

A. You know, there would be --

10:15

10

MS. STEIN: Objection.

10:15

11

THE WITNESS: There would be a list of

10:15

12

potential interest that would be derived by your

10:15

13

affinity to certain entities on the platform,

10:15

14

certain businesses on the platform.

10:15

15

BY MS. WEAVER:

10:15

16

Q. And how does Facebook record those

10:15

17

interests, if you will?

10:15

18

MS. STEIN: Objection to form.

10:15

19

■

■

■

■

24

BY MS. WEAVER:

10:16

25

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1

■

■

■

■

■

■

■

■

■

■

12

MS. STEIN: Objection. Form.

10:16

13

THE WITNESS: What do you mean?

10:16

14

BY MS. WEAVER:

10:16

15

Q. Well, I'm trying to understand. Facebook

10:16

16

receives explicitly collected data; is that right?

10:16

17

A. Yes.

10:16

18

Q. And where does it receive it and where

10:16

19

does it go? Where does the data go?

10:16

20

A. It's a -- it's a very complicated

10:16

21

question, so let me try to answer it may be with,

10:16

22

you know, like a high-level perspective.

10:17

23

So when you come to Facebook for the first

10:17

24

time in your life you will create an account, right?

10:17

25

To create an account you need to provide the

10:17

Page 67

1 username and a password. And then it will ask you a 10:17  
2 couple of questions. What is your first name? What 10:17  
3 is your last name? What is your date of birth, and 10:17  
4 so on and so on. 10:17

5 All that information lives in some, you 10:17  
6 know, database somewhere, right? The next time you 10:17  
7 come to Facebook you decide to post a photo of 10:17  
8 yourself, you know, celebrating your birthday. That 10:17  
9 information lives somewhere in a distributed 10:17  
10 database, right? 10:17

11 Then some people will start liking your 10:17  
12 page, saying -- will most likely be your friends. 10:17  
13 That information is captured somewhere about who has 10:17  
14 liked your photo. 10:17

15 Then the next day you come in and you -- 10:17  
16 you like Beyonce's page because you just saw her two 10:17  
17 months and you want to keep up with her work. That 10:18  
18 information is captured somewhere. 10:18

19 But all that information is available 10:18  
20 to -- to you, right? You can go into your Facebook 10:18  
21 settings and you can find all that information. 10:18

22 Q. Okay. When you say it is captured 10:18  
23 somewhere, where is the somewhere? 10:18

24 A. It depends on, you know, what is that you 10:18  
25 are looking for, right? It's not a single place. 10:18

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. Use your example. I go on Facebook's 10:18  
2 website and I take an action. Where is that 10:18  
3 captured? You said it's captured somewhere. Where 10:18  
4 is the somewhere? 10:18

5 A. [REDACTED] [REDACTED]  
[REDACTED] 10:18

7 Q. Okay. 10:18

8 A. That's a database. 10:18

9 Q. And what if it's a like? 10:18

10 A. Again, it's an activity. 10:18

11 Q. Okay. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:18

13 [REDACTED] [REDACTED] 10:18

14 Q. Yes. 10:19

15 A. Probably nowhere. 10:19

16 Q. Okay. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] 10:19

[REDACTED] [REDACTED] [REDACTED] 10:19

[REDACTED] [REDACTED] [REDACTED] 10:19

21 A. Yes. 10:19

22 Q. Okay. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] 10:19

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1

■

■

■

■

■

■

■

■

■

■

■

13

14

15

16

17

18

19

20

■

■

■

■

■

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A. I'm really sorry, but I'm having a hard

time hearing. Is it me or is it your mic?

MS. WEAVER: I'm not having a hard time

hearing.

MS. STEIN: It's the mic.

MS. WEAVER: Oh, okay. Can you hear me

now or is it --

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10:19

10:20

10:20

10:20

10:20

10:20

10:20

10:20

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Page 70

Page 71



1 understanding? 10:21

2 MS. WEAVER: I'm asking Facebook what a 10:21

3 data broker is. 10:21

4 THE WITNESS: According to this document 10:21

5 it's a -- a list of third parties, including, you 10:21

6 know, like public records, DMVs or auto 10:21

7 registration, you know, authorities, supermarkets, 10:21

8 retailers and so on that provide access to certain 10:21

9 information. 10:21

10 BY MS. WEAVER: 10:21

11 Q. Do you know what a data broker is? 10:21

12 A. My definition of data broker? 10:21

13 Q. Yes. 10:22

14 A. Anybody that has access to a broad set of 10:22

15 data. 10:22

16 Q. Okay. Is Facebook a data broker? 10:22

17 A. No. 10:22

18 Q. Okay. Did you talk to anybody -- well, 10:22

19 strike that. 10:22

20 Do you see where it says "Partner 10:22

21 categories" on this document? 10:22

22 A. Yes. 10:22

23 Q. What does that refer to? 10:22

24 A. I guess a list of different categories I 10:22

25 listed myself. It's also documented here. 10:22

1 Q. And so do you see to the right there it 10:22  
2 says "Public records, auto registration data, 10:22  
3 supermarket loyalty cards, retail purchases, credit 10:22  
4 card purchases," et cetera, on the right? 10:22  
5 A. Yes. 10:22  
6 Q. And is it your understanding that those 10:22  
7 are examples of the kind -- kinds of data that 10:22  
8 Facebook collects from data brokers? 10:22  
9 A. Yes. I don't know if it's exhaustive or 10:23  
10 not, but I would imagine that it is exhaustive. 10:23  
11 Q. Thank you. And then underneath that do 10:23  
12 you see where it says "Advertisers"? 10:23  
13 A. Yes. 10:23  
14 Q. What is an advertiser? 10:23  
15 A. Someone that is running marketing 10:23  
16 companies on Facebook. 10:23  
17 Q. Okay. And then there's a parenthetical 10:23  
18 that refers to "Custom audiences, offline conversion 10:23  
19 measurement." Do you see that? 10:23  
20 A. Yes. 10:23  
21 Q. What is custom audiences? 10:23  
22 A. A custom audience is a reference to a 10:23  
23 products whereby a business can upload and encrypt 10:23  
24 its -- a version of their database of customers for 10:23  
25 the purpose of running a campaign that targets those 10:23

1 customers. 10:23

2 Q. Okay. I want to break that down a little 10:23

3 bit. 10:23

4 MS. WEAVER: I'm not seeing that on my 10:23

5 live feed. 10:23

6 Could you read his response back, please. 10:24

7 (The record was read by the 10:24

8 court reporter, as requested) 10:24

9 BY MS. WEAVER: 10:24

10 Q. Okay. And when you say "encrypt," what do 10:24

11 you mean? 10:24

12 A. They wouldn't upload the raw data. They 10:24

13 would upload a version of that data. 10:24

14 THE REPORTER: I'm sorry, could you repeat 10:24

15 that last part, please? 10:24

16 THE WITNESS: They wouldn't upload raw 10:24

17 customer data. They would upload encrypted personal 10:24

18 or hashed personal data. 10:24

19 BY MS. WEAVER: 10:24

20 Q. Thank you. And when you say "raw customer 10:24

21 data," what do you mean? 10:24

22 A. Email addresses. 10:24

23 Q. Anything else? 10:24

24 A. No. 10:24

25 Q. And what does "offline conversion 10:24

1 measurement" mean? 10:24

2 A. So imagine that you see an ad campaign 10:24

3 from Walmart, but you don't necessarily click on 10:25

4 that to buy the specific thing that they advertise. 10:25

5 But eventually you visit the Walmart and you end up 10:25

6 purchasing something, not necessarily the same item 10:25

7 from Walmart. 10:25

8 If Walmart wanted to track the offline 10:25

9 conversion, the fact that you purchased something 10:25

10 from them in their retail location, they could 10:25

11 actually made available some encrypted data again 10:25

12 back to us, and we would confirm to them that a 10:25

13 certain percentage of people that have interacted 10:25

14 with Walmart offline have actually seen the ads that 10:25

15 Walmart has run. 10:25

16 Q. So what does "conversion" mean in that 10:25

17 sentence? Purchase? 10:25

18 A. It's defined by the advertiser. Because 10:25

19 the -- the advertiser may optimize for store visits 10:25

20 versus others that may optimize for purchases, 10:26

21 right? So -- 10:26

22 Q. So conversion is taking some action as 10:26

23 defined by the advertiser; is that correct? 10:26

24 A. Correct. 10:26

25 Q. And that could also include engaging in -- 10:26

1 well, strike that. 10:26

2 Could conversion also include a like or 10:26

3 agreeing to become a member of a group? 10:26

4 A. "No" in that context because we are 10:26

5 talking about offline conversion. 10:26

6 Q. Got it. Does advertisers here also 10:26

7 include political campaigns? 10:26

8 A. I'm looking at the -- sorry. Sorry. I 10:26

9 need to answer that, I guess. What do you mean? In 10:26

10 what context? 10:26

11 Q. Do political campaigns advertise? 10:26

12 A. Yes, they do. 10:26

13 Q. Okay. And when they are seeking 10:26

14 conversion, are they seeking to encourage certain 10:26

15 actions by Facebook users? 10:26

16 MS. STEIN: Objection to form. 10:27

17 THE WITNESS: Yeah, but that wouldn't 10:27

18 include, you know, like what people voted. It would 10:27

19 probably include if they read, or if they donated, 10:27

20 or if they took an action on their website, 10:27

21 depending on what the campaign is actually optimized 10:27

22 for. 10:27

23 BY MS. WEAVER: 10:27

24 Q. Got it. 10:27

25 A. But, no, the conversion wouldn't be that I 10:27

1 voted for Biden or I voted for Trump. That's not -- 10:27

2 THE REPORTER: I'm sorry, could you please 10:27

3 slow down. The last part? 10:27

4 THE WITNESS: Oh, sorry. 10:27

5 THE REPORTER: "The conversion"... 10:27

6 THE WITNESS: The conversion that 10:27

7 political campaigns are tracking have to do with 10:27

8 fundraising, donations, registration, this kind of 10:27

9 things. 10:27

10 BY MS. WEAVER: 10:27

11 Q. Okay. And so Facebook provides conversion 10:27

12 measurement information back to the advertisers 10:27

13 which could include political campaigns; is that 10:27

14 right? 10:27

15 MS. STEIN: Objection to form. 10:27

16 THE WITNESS: Yes. 10:27

17 BY MS. WEAVER: 10:27

18 Q. And then do you see on the right of 10:27

19 Advertisers it says "Existing customer 10:27

20 relationships"? Do you see that? It's to the right 10:27

21 of Advertisers. 10:28

22 A. Yes. 10:28

23 Q. What does "Existing customer 10:28

24 relationships," that subcategories of advertisers, 10:28

25 refer to? 10:28

1           A.    And so going back to our example earlier,           10:28  
2    if -- if you are Walmart again, and you know that --           10:28  
3    let's say there are thousands of people that           10:28  
4    attempted to purchase a TV from Walmart's website           10:28  
5    and you have an understanding of the email addresses           10:28  
6    of those people. Then you can encrypt those email           10:28  
7    addresses, make them available to Facebook to create           10:28  
8    what we call a custom audience.           10:28

9           And then Facebook will, you know, like --           10:28  
10   can target those specific users to the extent that           10:28  
11   they are also Facebook users, of course, with an ad           10:28  
12   that offers them, let's say, a discount for that           10:28  
13   specific TV.           10:28

14          Q.    What do you mean by "encrypt"?           10:28

15          A.    Again we -- we want to have access to           10:29  
16   their raw email addresses. We will have access to           10:29  
17   hashed personal email addresses and then we will           10:29  
18   match them with the hashed personal email address we           10:29  
19   have on record and find those users that have both a           10:29  
20   Walmart account and a Facebook account.           10:29

21          Q.    So what is the difference between           10:29  
22   encryption and hashing?           10:29

23          A.    It's same thing in that sense.           10:29

24          Q.    It is the same thing?           10:29

25          A.    Yeah.           10:29

1 Q. Is it true that hashing has two inputs -- 10:29  
2 well, let me go back. Is it fair to say that 10:29  
3 encryption has two inputs so that if you have a key, 10:29  
4 you can associate data point together; is that fair? 10:29

5 MS. STEIN: Object to form. He's not here 10:29  
6 as a technical expert, so... 10:29

7 You can give your high-level 10:29  
8 understanding, if you have one. 10:29

9 THE WITNESS: Yes, I don't -- I don't 10:29  
10 want -- I don't want to talk about, you know, like 10:29  
11 encryption. But it's important here, I think, to 10:29  
12 take away is that we don't have access to those 10:29  
13 email addresses and they don't have access to the 10:30  
14 people who we ended up identifying as users who have 10:30  
15 both a Facebook account and a Walmart account. 10:30

16 BY MS. WEAVER: 10:30

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]



1 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:30  
3 Q. So could you, please, explain what hashed 10:30  
4 data matching is? 10:30  
5 A. If an advertiser has information about a 10:30  
6 user, a customer of theirs, like their email 10:30  
7 address -- I didn't realize that we can actually be 10:30  
8 based on phone number or home address, but if it 10:30  
9 seems to be the case, then that's basic data that we 10:30  
10 can use to match those users on the Facebook site. 10:30  
11 Q. And do you see that there's an arrow here 10:30  
12 that goes from "Email address, phone number and 10:30  
13 address," it's a dotted line but goes to "Hashed 10:31  
14 data matching," and then it goes down to "Appended 10:31  
15 Data"? Do you see that? 10:31  
16 A. Yes, I do. I do see that. 10:31  
17 Q. Okay. And so what's your understanding of 10:31  
18 what those arrows mean? 10:31  
19 A. No idea. 10:31  
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

1

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

20

21

22

23

24

25

10:32

10:32

10:32

10:32

10:32

10:32

1 BY MS. WEAVER: 10:32

2 Q. Okay. Who has it? You just gave that as 10:32

3 an example. 10:32

4 A. Yeah, but that is a logic that takes place 10:32

5 on the advertiser's side. 10:32

6 Q. Okay. 10:32

7 A. The advertiser selects the marketing team 10:32

8 on the advertiser side to decide what kind of 10:32

9 campaign they want to run. And they create a 10:33

10 segment of their customers that they want to target 10:33

11 with their ad campaign, and then they will decide 10:33

12 what creative they want to use, like how the ad is 10:33

13 going to look like. 10:33

14 Q. Right. But this is a list of information 10:33

15 that Facebook receives, right? 10:33

16 MS. STEIN: Objection to form. 10:33

17 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 10:33

20 BY MS. WEAVER: 10:33

21 Q. Okay. Looking at this chart here, it's 10:33

22 labeled, "What kinds of information does Facebook 10:33

23 receive?" correct? 10:33

24 MS. STEIN: Objection to form. 10:33

25 (Background audio interference.) 10:33

1 MS. WEAVER: Somebody needs to put their 10:33

2 phones on mute or their computers on mute. 10:34

3 Q. Returning to the document, sir, isn't this 10:34

4 page a list of information that Facebook receives 10:34

5 about people? 10:34

6 MS. STEIN: Objection to form. 10:34

7 THE WITNESS: We received information that 10:34

8 an associate hashed email address with a Walmart 10:34

9 customer. 10:34

10 MS. WEAVER: Okay. Tat's -- I'll just 10:34

11 move to strike as nonresponsive. We will move on. 10:34

12 Q. Going back to this category that says 10:34

13 "Both." Do you see that, near Appended Data? 10:34

14 A. Yes. 10:34

15 Q. What does "both" mean? 10:34

16 MS. STEIN: Objection to form. 10:34

17 THE WITNESS: A combination of advertisers 10:34

18 and data brokers, I assume. 10:34

19 THE REPORTER: I'm sorry, could you repeat 10:34

20 that, please. Information? 10:34

21 THE WITNESS: A combination of advertisers 10:34

22 and data brokers. 10:34

23 BY MS. WEAVER: 10:34

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 [REDACTED] 10:34

2 MS. STEIN: Objection to form. The 10:35

3 document speaks for itself. 10:35

4 MS. WEAVER: I'm here to depose him about 10:35

5 the document, Deb. It was identified ahead of time. 10:35

6 Please answer the question. 10:35

7 MS. STEIN: Yeah, Lesley, this document is 10:35

8 all about targeted advertising, and you've been 10:35

9 going on for about an hour about targeted 10:35

10 advertising which isn't even in this case. It's 10:35

11 outside the scope of this case. 10:35

12 MS. WEAVER: You can instruct him not to 10:35

13 answer if you want, but I'm actually -- 10:35

14 MS. STEIN: Lesley, I've let this witness 10:35

15 testify for an hour about targeted advertising. So 10:35

16 if you want to ask him about the scope of this 10:35

17 deposition, you're free to, but suggesting that just 10:35

18 because you sent us a document about targeted 10:35

19 advertising -- 10:35

20 MS. WEAVER: Deb, stop lecturing and 10:35

21 wasting my minutes with the witness, please. 10:35

22 MS. STEIN: Lesley, I am stating my 10:35

23 position for the record. This is a 30(b)(6) 10:35

24 deposition on a specific set of topics. You've gone 10:35

25 beyond the scope. I've been very liberal in that. 10:35

1 I will let the witness continue answering 10:35

2 some more questions, but if it continues focusing on 10:35

3 targeted advertising, then we're going to have to 10:36

4 move on. 10:36

5 BY MS. WEAVER: 10:36

6 Q. So the question -- I'm sorry, K.P. -- the 10:36

7 question is this: [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] 10:36

11 MS. STEIN: Objection to form. 10:36

12 THE WITNESS: I don't know the definition 10:36

13 of an [REDACTED] 10:36

14 BY MS. WEAVER: 10:36

15 Q. Okay. 10:36

16 A. [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] 10:36

20 Q. Thank you. 10:36

21 And does Facebook also receive behavioral 10:36

22 data? 10:36

23 A. In what context? 10:36

24 Q. Well, I'm just reading from the chart. Do 10:36

25 you see where it says "Behavioral Data"? 10:36

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 A. Okay. In the context of this document -- 10:36

2 Q. Yes. 10:36

3 A. -- not in the context of appended data? 10:36

4 Yes, we do collect. 10:36

5 Q. Yes. I'm so sorry. So I'll ask the 10:36

6 question again. Does Facebook also receive 10:36

7 behavioral data about people? 10:36

8 A. Yes. 10:36

9 Q. Okay. [REDACTED] [REDACTED]

10 [REDACTED] 10:36

11 A. Yes. 10:37

12 Q. What does that refer to? 10:37

13 A. [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] 10:37

16 Q. Okay. [REDACTED] 10:37

17 A. [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] 10:37

23 Q. Okay. And then "Web SDK," do you see 10:37

24 that? 10:37

25 A. Yes. 10:37

1 Q. What does that refer to? 10:37

2 A. So this is the version of the SDK that is 10:37

3 used by websites. 10:37

4 Q. Okay. And did that change over time? 10:37

5 A. Yes, we update the SDKs quite regularly. 10:38

6 Q. Okay. And "Mobile SDK," what is that? 10:38

7 A. This is the SDK that is used by native 10:38

8 apps, meaning iOS and Android. 10:38

9 Q. Okay. I just want to go back to 10:38

10 behavioral data for a minute. What is behavioral 10:38

11 data as opposed to appended data? 10:38

12 A. I think we discussed about that before. 10:38

13 So I'll try to repeat my previous response. 10:38

14 So behavioral data is activities happening 10:38

15 on third-party sites that are being captured through 10:38

16 a Facebook product, a pixel or an SDK. 10:38

17 Q. Okay. I see that I guess the videographer 10:38

18 would like to take a quick break. So do you want to 10:38

19 just -- is that comfortable for you, K.P., to take a 10:38

20 break for a little bit here? 10:38

21 A. Yes, I need a coffee. 10:38

22 MS. WEAVER: Okay. So why don't we come 10:38

23 back at, do you want to say, 10:50? 10:38

24 THE WITNESS: 10 minutes from now? 10:38

25 MS. WEAVER: Yeah, does that work? Well, 10:39



Page 88

1 [REDACTED] [REDACTED] [REDACTED]  
2 [REDACTED] 10:54  
3 A. Yes, I do. 10:54  
4 Q. Okay. [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED]  
6 [REDACTED] 10:54  
7 MS. STEIN: Objection to form. 10:54  
8 THE WITNESS: Yeah. [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED]  
10 [REDACTED] [REDACTED]  
11 [REDACTED] [REDACTED]  
12 [REDACTED] [REDACTED]  
13 [REDACTED] 10:54  
14 BY MS. WEAVER: 10:54  
15 Q. Okay. And do you see here where it says 10:54  
16 "Explicit actions (likes, logins) off Facebook"? 10:54  
17 A. Yes. 10:54  
18 Q. Do you see that? What does that refer to? 10:54  
19 MS. STEIN: Objection. Asked and 10:54  
20 answered. 10:54  
21 You can answer. 10:54  
22 THE WITNESS: This is in relation to the 10:54  
23 web SDK and refers to activities captured in -- this 10:54  
24 is for the purpose of those examples via the 10:55  
25 Facebook log-in button and a like button. 10:55

1 BY MS. WEAVER: 10:55

2 Q. Okay. [REDACTED] [REDACTED]

3 [REDACTED] 10:55

4 A. Yes. 10:55

5 Q. [REDACTED] 10:55

6 A. [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] 10:55

11 Q. So it was called [REDACTED] is that 10:55

12 correct? 10:55

13 A. I don't remember the exact name of the 10:55

14 app. 10:55

15 Q. Do you recall that it was a VPN, a virtual 10:55

16 private network? 10:55

17 MS. STEIN: Objection to form. 10:55

18 THE WITNESS: Yes. 10:55

19 BY MS. WEAVER: 10:55

20 Q. [REDACTED] [REDACTED]

21 [REDACTED] 10:55

22 MS. STEIN: Object to form. 10:55

23 THE WITNESS: [REDACTED] 10:55

24 BY MS. WEAVER: 10:55

25 Q. Uh-huh. 10:56

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1           A.    I don't think so. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:56

3           Q.    Right. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:56

5                   MS. STEIN:  Objection to form.  Beyond the 10:56  
6   scope. 10:56

7                   MS. WEAVER:  It relates directly to the 10:56  
8   [REDACTED] 10:56

9           Q.    [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:56

11                  MS. STEIN:  Objection to form.  Beyond the 10:56  
12   scope.  This witness is not testifying about -- 10:56

13                  MS. WEAVER:  Are you instructing him not 10:56  
14   to answer my question about [REDACTED] 10:56

15                  MS. STEIN:  That it's not subject to this 10:56  
16   testimony.  He's not here -- he knows it -- he's not 10:56  
17   designated -- 10:56

18                  MS. WEAVER:  State an objection to form or 10:56  
19   instruct him not to answer.  Please don't fill my 10:56  
20   record with your speeches. 10:56

21                  MS. STEIN:  Okay.  It's not a speech.  I'm 10:56  
22   explaining that this witness came prepared to 10:56  
23   testify about certain things.  He's not a company 10:56  
24   witness on [REDACTED] so he's not answering the 10:56  
25   question. 10:56

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 BY MS. WEAVER: 10:56

2 Q. [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] Do you see that? 10:57

5 A. Yes, I see that. 10:57

6 Q. What does that refer to? 10:57

7 A. Again, only guess. 10:57

8 Q. What -- what do you believe it means? 10:57

9 MS. STEIN: The witness should not guess. 10:57

10 If he knows, he can answer. If he does not know, he 10:57

11 should not answer. 10:57

12 THE WITNESS: I don't know. 10:57

13 BY MS. WEAVER: 10:57

14 Q. Okay. [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] 10:57

17 MS. STEIN: Objection. The witness just 10:57

18 said he doesn't know. 10:57

19 BY MS. WEAVER: 10:57

20 Q. You can answer the question. 10:57

21 A. I don't know. 10:57

22 Q. Okay. [REDACTED] [REDACTED]

23 [REDACTED] 10:57

24 A. No, I didn't. 10:57

25 Q. Okay. Do you know who did? 10:57

Page 93

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. And in quotes it says "We don't share the 10:58  
2 private information that you put on Facebook with 10:58  
3 advertisers without your consent." Do you see that? 10:58  
4 A. I see that. 10:58  
5 Q. And do you see that it's in quotations? 10:58  
6 A. Yes. 10:59  
7 Q. And is that in quotations because that was 10:59  
8 Facebook's policy at the time? 10:59  
9 MS. STEIN: Objection to form. If the 10:59  
10 witness knows what the people who wrote this -- 10:59  
11 MS. WEAVER: Please stop coaching him and 10:59  
12 telling him to say that he doesn't know. 10:59  
13 MS. STEIN: Lesley -- Lesley, do not 10:59  
14 accuse me of coaching. You've gotten -- 10:59  
15 MS. WEAVER: That's strike one. 10:59  
16 Q. Okay. Go ahead, K.P. 10:59  
17 MS. STEIN: Excuse me? 10:59  
18 BY MS. WEAVER: 10:59  
19 Q. I'll ask the question again. Do you know 10:59  
20 at this point in time whether Facebook's policy was, 10:59  
21 "We don't share the private information that you put 10:59  
22 on Facebook with advertisers without your consent"? 10:59  
23 A. I can only speak at a high level. This 10:59  
24 has always been not just the policy but the way we 10:59  
25 operated as a business. 10:59

1 Q. Okay. Thank you. 10:59

2 And then do you see it says "Why do we use 10:59

3 that framing?" right below it? 10:59

4 A. Yes, yes. 10:59

5 Q. Okay. And then there's a bullet point 10:59

6 that says "Though Facebook's policies prohibit 11:00

7 sharing of data with data brokers or similar 11:00

8 entities, we only make commitments about what 11:00

9 Facebook will do." Do you see that? 11:00

10 A. Yes, I do. 11:00

11 Q. Okay. So is it a true statement that at 11:00

12 this time Facebook's policy prohibited sharing of 11:00

13 data with data brokers or similar entities? 11:00

14 A. Yes. 11:00

15 Q. Okay. And do you have an understanding as 11:00

16 to what the "We only make commitments about what 11:00

17 Facebook will do," what does that mean? 11:00

18 A. It means that Facebook as a business only 11:00

19 makes public commitments about things that are 11:00

20 within our control. 11:00

21 Q. Okay. And so I just want to direct your 11:00

22 attention to the bottom bullet point there in the 11:00

23 second sentence. Do you see where it says "Also, we 11:00

24 may in the future operate a 'data cooperative,' or 11:01

25 other product allowing exchange of information that 11:01



1 people haven't given to us directly"? Do you see 11:01  
2 that? 11:01  
3 A. I see that. 11:01  
4 Q. Okay. Do you know what a data cooperative 11:01  
5 is as it's expressed here? 11:01  
6 A. It would probably mean some sort of a 11:01  
7 partnership with data brokers. 11:01  
8 Q. Okay. And do you know if Facebook did 11:01  
9 engage in a data cooperative with data brokers? 11:01  
10 A. No. 11:01  
11 Q. No, you don't know, or, no, they did not? 11:01  
12 A. No, we haven't. 11:01  
13 Q. Okay. What is -- a little bit lower 11:01  
14 there, do you see "Facebook Exchange" referenced? 11:01  
15 A. Yes. 11:01  
16 Q. What does that refer to? 11:01  
17 A. I don't know. 11:01  
18 Q. Okay. There's a question here "How can 11:02  
19 people see what you know about them and control 11:02  
20 their ad experiences?" Do you see that? 11:02  
21 A. Yes, I see that. 11:02  
22 Q. And there's something there that says 11:02  
23 "Context menu." Do you see it? 11:02  
24 A. Yes. 11:02  
25 Q. What is that? 11:02

Page 97

1 information that Facebook has for you. 11:03

2 Q. Okay. And going back to the activity log, 11:03

3 it's a list of every single action you have taken on 11:03

4 Facebook. Do you mean on the platform? 11:03

5 A. I believe it's on the platform, yes. 11:03

6 Q. Okay. So is it limited to only the 11:03

7 activity on the platform? 11:03

8 A. The Facebook activity log, yes. 11:04

9 Q. Okay. And back to the DIY. You say it's 11:04

10 all the information that Facebook has for you; is 11:04

11 that correct? 11:04

12 A. Yes. 11:04

13 Q. What do you mean by that? 11:04

14 A. It includes from things from like the 11:04

15 information you submitted when you created your 11:04

16 account, to the photos that you may have uploaded, 11:04

17 to the pixels of your friends you may have liked, to 11:04

18 the ads you may have seen, the videos you may have 11:04

19 watched. It's a -- it's a very lengthy, you know, 11:04

20 like document with different things. 11:04

21 Q. Okay. So going back to the previous page 11:04

22 where we were talking about appended data, does the 11:04

23 DIY tool include appended data? 11:04

24 A. No. 11:04

25 Q. Okay. Does it include behavioral data? 11:04

1 MS. STEIN: Objection to form. 11:04

2 THE WITNESS: Yes, it does. 11:05

3 BY MS. WEAVER: 11:05

4 Q. Okay. So it includes the conversions and 11:05

5 purchases off Facebook? 11:05

6 A. I don't know about that, but it includes 11:05

7 the apps that you have logged in. It includes, I 11:05

8 think, the websites that you may have liked, and so 11:05

9 on. 11:05

10 Q. Okay. Does the Do It Yourself network 11:05

11 include the native data that was inferred from 11:05

12 engagement on the site? 11:05

13 MS. STEIN: Objection to form. 11:05

14 THE WITNESS: I think you're referring to 11:05

15 the DYI file? 11:05

16 BY MS. WEAVER: 11:05

17 Q. Yes. I'll ask the question again. Sorry. 11:05

18 Does the DIY file include native data that 11:05

19 is inferred from engagement on the site? 11:05

20 MS. STEIN: Objection to form. 11:05

21 THE WITNESS: It should include interests, 11:05

22 which are inferred data, so yes. 11:05

23 BY MS. WEAVER: 11:05

24 Q. Does it also include behaviors? 11:05

25 MS. STEIN: Objection to form. 11:05

1 MS. WEAVER: What's the objection? 11:06

2 MS. STEIN: "Behaviors" is a very vague 11:06

3 term, Lesley. 11:06

4 MS. WEAVER: No. It's listed right here 11:06

5 on the document. So I'm going to restate the 11:06

6 question. 11:06

7 Q. Does the DIY tool also include the native 11:06

8 data that's inferred from the engagement on the site 11:06

9 like behaviors as listed in this document? 11:06

10 MS. STEIN: Objection to form. 11:06

11 THE WITNESS: So I will answer with, you 11:06

12 know, like a high-level understanding that the DIY 11:06

13 file includes the pages that you liked. And by 11:06

14 default, that's a behavior. 11:06

15 BY MS. WEAVER: 11:06

16 Q. Does Facebook engage in -- okay. But 11:06

17 just -- sorry. Just go back to that question. 11:06

18 Do you know, as you sit here today, 11:06

19 whether the DIY tool includes native data inferred 11:06

20 from engagement on the site, including interests and 11:06

21 behaviors as identified on this chart? 11:06

22 MS. STEIN: Objection to form. 11:06

23 THE WITNESS: DIY file includes activities 11:06

24 such as you liking a page that may suggest an 11:07

25 interest and, by default, explain a behavior or 11:07

1 describe a behavior. 11:07

2 BY MS. WEAVER: 11:07

3 Q. Okay. But is that to be inferred from the 11:07

4 engagement on the site? 11:07

5 A. It's driven by your activities happening 11:07

6 on the Facebook website or the Facebook apps. 11:07

7 Q. Okay. Going back to the page ending in 11:07

8 425. We were near the bottom of the page there. 11:07

9 A. Yes. 11:07

10 Q. Do you see where it says "Centralized 11:07

11 opt-out"? 11:07

12 A. Yes. 11:07

13 Q. What does that refer to? 11:07

14 A. So this refers to the ability of the user 11:07

15 to turn off any kind of activity around behavioral 11:07

16 data captured through our SDKs -- 11:07

17 THE REPORTER: I'm sorry, "Behavioral 11:08

18 data" -- 11:08

19 THE WITNESS: -- and pixel. 11:08

20 THE REPORTER: I'm sorry, "Behavioral 11:08

21 data"... 11:08

22 THE WITNESS: -- captured through the SDKs 11:08

23 and pixel. 11:08

24 THE REPORTER: Thank you. 11:08

25

1 BY MS. WEAVER: 11:08

2 Q. And what is third-party behavioral data 11:08

3 again? 11:08

4 A. I think we exhausted that, but I will go 11:08

5 back to the definition as it's being offered in a 11:08

6 previous page: Website, browser behaviors, 11:08

7 conversations, explicit actions, mobile apps 11:08

8 installed, and so on. 11:08

9 Q. And is that contained in the DYI tool or 11:08

10 the DYI file? 11:08

11 MS. STEIN: Object to form. Objection to 11:08

12 form. 11:08

13 THE WITNESS: I'm sorry, how can a file 11:08

14 include activities as you have already opted out? 11:08

15 BY MS. WEAVER: 11:08

16 Q. Okay. What I'm asking is whether the DIY 11:08

17 tool collects third-party behavioral data as it's 11:08

18 referred to there? 11:08

19 A. I'm sorry, I feel like I'm repeating 11:08

20 myself. But the DYI file identified the apps that 11:09

21 you used, the websites that you may have liked and 11:09

22 so on. So it captures behavioral data as per -- 11:09

23 Q. Okay. 11:09

24 A. -- the definition of the previous page. 11:09

25 Q. Does it collect all third-party behavioral 11:09

1 data? 11:09

2 MS. STEIN: Objection to form. 11:09

3 THE WITNESS: All? I don't know. 11:09

4 BY MS. WEAVER: 11:09

5 Q. Yeah. Okay. 11:09

6 How would you find out? 11:09

7 A. I would have to look at the DYI file. 11:09

8 Q. Okay. And have you looked at any DYI 11:09

9 files to prepare for your deposition today? 11:09

10 A. No, I have not, because that would be a 11:09

11 violation of my commitment to users' privacy. 11:09

12 Q. Did you look at DYI files for any of the 11:09

13 named plaintiffs in this action to prepare for the 11:09

14 deposition? 11:09

15 A. No, because that would be in violation of 11:09

16 my commitment to users' privacy. 11:09

17 Q. To prepare -- 11:10

18 A. I would be fired -- 11:10

19 Q. If your -- 11:10

20 A. -- if I look -- 11:10

21 Q. If your lawyers had you look at the 11:10

22 plaintiffs' DYI files to prepare for deposition in 11:10

23 this action? 11:10

24 A. I would be fired. 11:10

25 Q. Okay. Well, we'll table that. 11:10



1 Can you look at your -- 11:10

2 A. No one here -- 11:10

3 Q. Can you look at your own -- 11:10

4 A. I can only look at mine. 11:10

5 Q. -- DYI -- oh, okay. So can you look at 11:10

6 your own DYI file to determine whether or not all 11:10

7 third-party behavioral data is included in it? 11:10

8 A. I can, but not right now. 11:10

9 Q. Okay. Right. 11:10

10 Okay. Give me a moment here. 11:10

11 Okay. So let's turn for a moment to the 11:11

12 page ending in 3428. It says "Location" at top. 11:11

13 Do you know who Maritza Johnson is? 11:11

14 A. No, I don't. 11:11

15 Q. Okay. And do you see, it says, "Knowing 11:11

16 where people are when they interact with our 11:11

17 services is useful for designing innovative 11:11

18 products"? Do you see that? 11:11

19 A. Yes, I do see that. 11:11

20 Q. So did Facebook track people's -- users' 11:11

21 location? 11:11

22 A. Facebook will have an understanding of the 11:11

23 user's location based on different signals. 11:11

24 Q. Okay. And you see here it says -- when 11:11

25 you say "different signals," what do you mean? 11:11



1 company term, to please, you know, tell the 11:13  
2 examiner, because you should not be testifying 11:13  
3 beyond the scope of what your -- what's at issue in 11:13  
4 this deposition and -- 11:13

5 MS. WEAVER: This is completely within the 11:13  
6 scope, Deb, and that's improper coaching. 11:13

7 Q. So, sir, do you know what derivative data 11:13  
8 is? 11:13

9 A. I think there is an example for derivative 11:13  
10 data there. 11:13

11 Q. I'm sorry? 11:13

12 A. Ad clusters. Ad cluster is derivative 11:13  
13 data. 11:13

14 Q. Okay. That's an example of derivative 11:13  
15 data? 11:13

16 A. Yes. 11:13

17 Q. Okay. How is it derived, if you will? 11:13  
18 How are ad clusters derived? 11:13

19 MS. STEIN: Objection to form. 11:13

20 THE WITNESS: [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:14

1

■

■

■

■

■

■

■

■

■

■

12

13

14

15

■

17

18

19

■

■

22

■

■

25

A. Those are things that are --

MS. STEIN: Objection to form.

You may answer.

THE WITNESS:

BY MS. WEAVER:

Q. Okay. So --

A.

Q. Okay. So for the record,

MS. STEIN: Objection to form.

11:14

11:14

11:14

11:14

11:14

11:15

11:15

11:15

11:15

11:15

1 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] 11:15  
13 Q. Okay. And is it contained in the DYI 11:15  
14 file? 11:15  
15 A. That -- how is that relevant for you? 11:15  
16 Q. I get to ask the questions. 11:16  
17 A. No, I mean -- I'm -- I'm thinking loudly. 11:16  
18 That a user's information, when it is -- so the -- 11:16  
19 okay. So let me take a step back. 11:16  
20 That data that we are talking about are 11:16  
21 anonymized. They are not associated with a given 11:16  
22 user. And so it wouldn't show up in a -- in user's 11:16  
23 DYI file. 11:16  
24 Q. Okay. And when -- 11:16  
25 MS. STEIN: I'm just waiting for my feed

1 here.

2 Oh, could you read his answer back,

3 please. 11:16

4 (The record was read by the 11:17

5 court reporter, as requested) 11:17

6 BY MS. WEAVER: 11:17

7 Q. And what do you mean by "associated"? 11:17

8 A. Like we have a broad understanding of who 11:17

9 lives in San Francisco but we don't know exactly who 11:17

10 lives in San Francisco. 11:17

11 Q. Okay. But the data's collected from 11:17

12 individual users, right? 11:17

13 A. It depends. 11:17

14 Q. On what? 11:17

15 A. It depends on whether the data has been 11:17

16 collected because some are explicitly said "I live 11:17

17 in San Francisco." Some people have their hometown 11:17

18 identified on Facebook, some people don't. 11:17

19 Q. Right, but it's still one individual. The 11:17

20 source of the -- the -- originally is one user, 11:17

21 right? 11:17

22 MS. STEIN: Objection to form. 11:17

23 BY MS. WEAVER: 11:17

24 Q. Because either I live in San Francisco or 11:17

25 I indicated -- I mean, all of this data comes from 11:17

1 individuals, right? 11:17

2 A. Some of the data -- sorry. Again, if -- 11:17

3 if it's -- according to the previous definition, if 11:17

4 it's native data, that means that you have provided 11:17

5 that information. 11:18

6 Q. Okay. So let's -- okay. Let's talk -- 11:18

7 A. Like you have defined San Francisco -- 11:18

8 Q. Right. 11:18

9 A. -- to be your hometown. 11:18

10 Q. Perfect. 11:18

11 A. Okay. 11:18

12 Q. So it's associated with me initially, 11:18

13 right? 11:18

14 A. You have specifically suggested to your 11:18

15 Facebook friends by basically filling in that 11:18

16 specific field that Facebook asked you to do that 11:18

17 your hometown is San Francisco. You may live in 11:18

18 Denver, but your hometown appears to be 11:18

19 San Francisco. 11:18

20 Q. Okay. So an algorithm runs on this data 11:18

21 and it creates an ad cluster and puts me -- when 11:18

22 does it become disassociated with me? Because it 11:18

23 was initially associated, correct? 11:18

24 A. That association will never cease to exist 11:18

25 unless you basically go there and suggest that you 11:18

1 move to Denver. 11:18

2 Q. Okay. I'm just -- honestly, K.P., I'm 11:18

3 trying to understand your answer. 11:18

4 You said the data that we are talking 11:18

5 about is not associated with specific users. We 11:18

6 just talked about -- 11:19

7 A. Yes, please. 11:19

8 Q. -- it was associated with an individual 11:19

9 user because they're from San Francisco. 11:19

10 A. Yes. 11:19

11 Q. So when does it become disassociated? 11:19

12 A. But I'm trying to explain to you the 11:19

13 distinction between data that comes from native 11:19

14 data, to use your -- 11:19

15 Q. Okay. 11:19

16 A. -- the definition in this document, versus 11:19

17 behavioral data. 11:19

18 Q. Okay. And -- 11:19

19 A. So -- no, no, no, no. Sorry. I have to 11:19

20 be super precise here. 11:19

21 There are two kinds of native data. There 11:19

22 are native data that come because you have, as a 11:19

23 user, indicated that your hometown is San Francisco. 11:19

24 Q. Right. 11:19

25 A. And there is native data that comes from 11:19



1 your activity. So if -- hypothetically speaking, I 11:19  
2 don't -- I don't know exactly what period of time we 11:19  
3 are going to be looking at, but let's say for the 11:19  
4 last three -- the last 30 days you have accessed 11:19  
5 Facebook from an IP address in -- in San Francisco, 11:19  
6 that is still, according to our definition, native 11:19  
7 data. But it's -- it's not data that's -- it's 11:19  
8 directly explicitly, you know, like, documented by 11:19  
9 the user, but it's in data inferred by their 11:20  
10 activity. 11:20

11 Q. Okay. And so the -- 11:20

12 A. Still native. 11:20

13 Q. I understand. 11:20

14 By the way, would you use a different word 11:20  
15 than native data? Is there another way to reference 11:20  
16 that? 11:20

17 A. I would probably use on-site activity. 11:20

18 Q. On-site activity? 11:20

19 A. Versus off-site activity. 11:20

20 Q. Okay. Perfect. 11:20

21 Do you -- would you use the -- the words 11:20  
22 "appended data" or is there another term for that? 11:20

23 A. I haven't heard that term until recently. 11:20  
24 Until this -- 11:20

25 Q. Okay. Do you have another understanding 11:20

1 of how people at Facebook refer to it? 11:20

2 A. Customer data provided by third parties or 11:20

3 something -- 11:20

4 Q. Okay. 11:20

5 A. -- like that. 11:20

6 Q. All right. And then what about behavioral 11:20

7 data; is there another term of art at Facebook used 11:20

8 to reference that? 11:20

9 A. That's my definition of offline activity. 11:20

10 Q. Offline activity. Okay. 11:20

11 A. Oh, sorry, off-site activity. 11:20

12 Q. Off-site. I see. Okay. 11:20

13 [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 11:21

24 A. Okay. At the very high level, if we are 11:21

25 talking about the specific scenario that a business 11:21

1 that is operating in San Francisco wants to target 11:21  
2 users in San Francisco, they will run the campaign 11:21  
3 for, let's say, two days; they will target specific 11:21  
4 users that live in that area. They may target only 11:21  
5 females or only men, people of a certain age, people 11:21  
6 of a certain profession, depending on, you know, 11:21  
7 like, what sort of campaign they want to run, right? 11:21

8 So that will all be effectively identified 11:21  
9 as a potential audience of, let's say for the sake 11:21  
10 of the argument, 20,000 users. They still have no 11:22  
11 access to the information. They only understand 11:22  
12 what is the potential audience their ad campaign can 11:22  
13 reach. 11:22

14 And then when they start, you know, like, 11:22  
15 placing the advertisement, then their advertisement 11:22  
16 is going to go into an auction. That auction may 11:22  
17 actually, you know, allow others to beat against 11:22  
18 that same audience. So if there is a competitor of 11:22  
19 this service, or another service that wants to 11:22  
20 target people with similar characteristics that live 11:22  
21 in San Francisco, they may or may not see the first 11:22  
22 ad. So it's the highest bidder that will have the 11:22  
23 ad show up. 11:22

24 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:22

1 [REDACTED] 11:22

2 Q. Okay. So let me ask this: So I'm -- say 11:22

3 I'm being targeted in that ad campaign. Is there a 11:22

4 way for me to find out that I was targeted by those 11:22

5 categories that the advertiser chose? 11:22

6 A. You can see it only if that ad campaign 11:23

7 shows up to you. 11:23

8 Q. Okay. And only in realtime? And there's 11:23

9 no record of it after that? 11:23

10 A. I think you can actually see the -- the 11:23

11 information in realtime. But if you go to the DYI 11:23

12 file, you can see probably ad campaigns that you 11:23

13 have been displayed -- or you have seen yourself, or 11:23

14 you have clicked. 11:23

15 Q. Okay. But if they were -- 11:23

16 A. You know -- 11:23

17 Q. -- targeted to me and I didn't take an 11:23

18 action, it's not in the DYI file; is that right? 11:23

19 A. You -- you will see the ad campaigns that 11:23

20 ended up showing up on your feed, but you wouldn't 11:23

21 see any ad campaigns that, for whatever reason, you 11:23

22 haven't seen, because there was another advertiser 11:23

23 that won the bid. 11:23

24 Q. Got it. 11:23

25 And so let's talk about the information 11:23

1 that is used to create the derived data. How do you 11:23  
2 determine what information can be used to apply 11:24  
3 those algorithms? 11:24

4 A. I need to clarify that question. 11:24

5 Q. Yeah, it's -- so is only public 11:24  
6 information used to create derived data? 11:24

7 MS. STEIN: Objection to form. 11:24

8 THE WITNESS: Okay. So are you talking 11:24  
9 about derived data in the context of location, or 11:24  
10 you're talking about derived data broadly? 11:24

11 BY MS. WEAVER: 11:24

12 Q. Well, what is derived data broadly? 11:24

13 A. I mean, I don't know of any use of derived 11:24  
14 data broadly, but I'm trying to understand exactly 11:24  
15 how you want me to answer the question in a 11:24  
16 thoughtful way. 11:24

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 Q. But at large, is it fair to say that 11:25  
2 derived data is created through algorithms running 11:25  
3 on realtime data? 11:25

4 MS. STEIN: Objection to form. 11:25

5 THE WITNESS: I cannot talk about that. 11:25  
6 But derived data is a -- a broad, you know, like, 11:25  
7 industry term that you can use, and it's a legal 11:25  
8 term as well, as far as I understand. It can be 11:25  
9 used in different context and it doesn't always 11:25  
10 require realtime processing. 11:25

11 BY MS. WEAVER: 11:25

12 Q. Okay. So let's -- we can stick with your 11:25  
13 example then if you like for now. 11:25

14 What if I sent a -- a private -- a message 11:25  
15 in Facebook Messenger to one friend saying "I used 11:25  
16 to live in San Francisco" and I've never posted 11:25  
17 anything publicly about it. Is that information 11:25  
18 used to create the derived data for ad clusters? 11:26

19 A. No. 11:26

20 Q. Why not? 11:26

21 A. That's a private conversation between you 11:26  
22 and your friend -- 11:26

23 Q. Okay. 11:26

24 A. -- that -- 11:26

25 Q. So how does the algorithm distinguish -- 11:26

1 let me ask this: When the data is being run on 11:26  
2 algorithms, is it segregated by public or private 11:26  
3 data? 11:26

4 A. So your definition of public or private is 11:26  
5 what, if I may say? 11:26

6 Q. If a user designated something private or 11:26  
7 restricted audience. 11:26

8 A. Okay. Let's take a little bit of a step 11:26  
9 back. Because what we define as public data is 11:26  
10 basically your first name, your last name, your 11:26  
11 profile picture. 11:26

12 Q. Okay. 11:26

13 A. Anything else that comes with a -- an 11:26  
14 audience selection doesn't necessarily belong -- 11:26  
15 it's not necessarily by default public. It may have 11:26  
16 a limited audience. It may be just you, if it's 11:26  
17 things like your birthday, or it may be friends -- 11:27  
18 or accessible to your friends. 11:27

19 What we always, you know, like, like to 11:27  
20 suggest that communications that happen over 11:27  
21 messenger is also by default private, meaning that 11:27  
22 it's -- the content of your exchanges with your 11:27  
23 friends belong to you and your friends. So that 11:27  
24 wouldn't be considered public information. But it 11:27  
25 wouldn't be considered necessarily private 11:27

1 information because it's not accessible by anybody 11:27  
2 in that -- it's a private conversation but it's not 11:27  
3 private data in that sense. 11:27

4 Q. And when Facebook is, let's say -- we can 11:27  
5 just stick with your ad clusters example. When it 11:27  
6 is using the algorithm to create derived data, such 11:27  
7 as ad clusters, is it using that world of 11:27  
8 information that you just described that is not 11:27  
9 public? 11:27

10 A. We would be using native data such as your 11:27  
11 registered home location and things like your IP 11:28  
12 address to determine where you live. 11:28

13 Q. Okay. But what I'm trying to say is -- 11:28  
14 and I gave you a different example. So if you 11:28  
15 could, just follow my example. Okay. 11:28

16 A. We wouldn't. I think I made -- 11:28

17 Q. Okay. 11:28

18 A. -- that point that -- 11:28

19 Q. When I -- when I look -- 11:28

20 A. -- you telling your friends you live in 11:28  
21 San Francisco is your business and it's not for us 11:28  
22 to use in any kind of ads. 11:28

23 Q. Okay. And that's because reading messages 11:28  
24 and using that content and making it available to 11:28  
25 advertisers would violate Facebook's policies, 11:28



1 right? 11:28

2 A. Reading private communications between you 11:28

3 and your friends would be a violation of our 11:28

4 commitment to your privacy. 11:28

5 Q. Okay. Switching topics just for a second. 11:28

6 You know what capabilities are; is that 11:28

7 right? 11:29

8 A. In what -- 11:29

9 Q. In connection with -- in connection with 11:29

10 APIs? 11:29

11 A. Yes, I do. 11:29

12 Q. Okay. Sorry. 11:29

13 So are you familiar with the read stream 11:29

14 capability? 11:29

15 A. Read stream is an API but there is an 11:29

16 associated capabilities. 11:29

17 Q. Yeah. And what is that? 11:29

18 A. It's an API that allows a third party to 11:29

19 access someone's News Feed. 11:29

20 Q. Okay. And what does "read stream" mean in 11:29

21 particular? 11:29

22 A. It's a very poorly, you know, like, 11:29

23 defined -- 11:29

24 Q. It should probably be for the period 2012 11:29

25 to 2017. 11:29

1	A. Yes. So the News Feed is also referred as	11:29
2	stream.	11:29
3	Q. Uh-huh.	11:29
4	A. And that API and the corresponding	11:29
5	capability effectively describes the ability to read	11:29
6	the stream.	11:29
7	Q. Okay.	11:29
8	A. In other words, read the News Feed.	11:29
9	Q. Okay. And are you aware at any point in	11:30
10	time if third parties were allowed to read Facebook	11:30
11	Messenger messages?	11:30
12	MS. STEIN: Objection.	11:30
13	BY MS. WEAVER:	11:30
14	Q. Through -- through API capabilities?	11:30
15	MS. STEIN: Objection to form. And we're	11:30
16	talking about 2012 to 2017.	11:30
17	You may answer.	11:30
18	THE WITNESS: Between 2012 and 2017, I	11:30
19	don't think we made the -- the Messenger API -- the	11:30
20	current version of the Messenger API available.	11:30
21	THE REPORTER: I'm sorry. That -- that...	11:30
22	THE WITNESS: So I'm -- between 2012 and	11:30
23	2017, the current version of the Messenger API was	11:30
24	not available. I think the only way for third	11:30
25	parties to access Messenger was through the Inbox	11:30

1 API. 11:30

2 MS. WEAVER: I'm sorry, I just need to 11:30

3 look really quickly. 11:31

4 Q. What is the Inbox API? 11:31

5 A. It's an API that allows a third party to 11:31

6 access a user's Messenger conversation. 11:31

7 Q. Okay. And what do those third parties -- 11:31

8 strike that. 11:31

9 What access were they given to -- 11:31

10 A. So the third -- 11:31

11 Q. -- use Messenger conversation? 11:31

12 A. Yeah. The third parties that had access 11:31

13 to the Inbox API were app third parties that 11:31

14 replicated core Facebook functionality, including 11:31

15 messaging. So we call those integrations device 11:31

16 integrations because they were replicating 11:31

17 Facebook -- the Facebook app. 11:31

18 Q. Are you aware -- are you familiar with the 11:31

19 company Royal Bank of Canada, RBC? 11:31

20 A. Yes. Yes. 11:31

21 Q. Did -- did they have access to Messenger 11:31

22 inboxes during this time period? 11:32

23 A. They had the access to an API that allowed 11:32

24 them to write into someone's inbox. 11:32

25 Q. And why? 11:32

Page 123

1 THE WITNESS: Oh. Okay. 11:33

2 MS. STEIN: I will -- I will mute. The 11:33

3 gardeners are here. Hazards of -- 11:33

4 MS. WEAVER: Yes. 11:33

5 MS. STEIN: -- of COVID. 11:33

6 BY MS. WEAVER: 11:33

7 Q. I'm going to direct your attention just to 11:33

8 a few pages here. 11:33

9 A. Okay. 11:33

10 Q. Great. 11:33

11 So what is facial recognition, the facial 11:33

12 recognition feature that's referred to in this 11:34

13 document? 11:34

14 A. And do you want me to read what is defined 11:34

15 in this document or shall I tell you -- 11:34

16 Q. Just tell me -- 11:34

17 A. -- what my understanding? 11:34

18 Q. -- your understanding. 11:34

19 Yes, sorry. 11:34

20 A. So it's a -- it's a code that allows us to 11:34

21 understand who may be shown or seen in a picture, in 11:34

22 a photo. 11:34

23 Q. Okay. And how does it work? 11:34

24 A. Technically? 11:34

25 Q. Yes. 11:34

Page 125

1 Q. Do you -- what is Graph Search? 11:35

2 A. Graph Search is our own version of 11:35

3 searching within the graph. 11:35

4 Q. And what do you mean by graph? 11:35

5 A. Everything at Facebook is the graph. Any 11:35

6 entity, any connection that's affecting the part of 11:35

7 the graph. 11:35

8 Q. Okay. Is it a relational database? 11:35

9 A. It's not a -- a database per se. The 11:35

10 graph is -- I don't know. It's a -- it's an 11:35

11 abstract thing that describes basically every single 11:36

12 connection and entity on -- on the platform. 11:36

13 Q. Okay. So if somebody is using Graph 11:36

14 Search, they are searching all over Facebook's 11:36

15 entire network; is that right? 11:36

16 A. Sort of, because there may be exceptions 11:36

17 to that. Like people that opt out from -- 11:36

18 Q. Okay. 11:36

19 A. -- from that they wouldn't have their 11:36

20 results in that. 11:36

21 Q. If people opt out, are they still in the 11:36

22 graph? 11:36

23 A. They can opt out from being discovered 11:36

24 through Graph Search. 11:36

25 Q. But they're still in the graph? 11:36

Page 127



1 that is associated to you will be deleted. 11:37

2 Q. Okay. And when you say "is associated to 11:37

3 me," what do you mean? 11:37

4 A. Any kind of on-site or off-site activity. 11:37

5 Q. What about derived data? 11:37

6 A. The derived data, again, if we are talking 11:38

7 about location? Are we? 11:38

8 Q. No. Just in general. Derived data in 11:38

9 general. 11:38

10 A. Oh. In general? 11:38

11 Q. Yeah. 11:38

12 A. Derived data may be your interest like we 11:38

13 discussed before that may be inferred from you 11:38

14 liking Beyonce's page, that will show up in the DYI 11:38

15 file. So, yes, they will be deleted. 11:38

16 Q. Okay. You -- you referred earlier to data 11:38

17 that is not associated with individuals. Do you 11:38

18 recall that? 11:38

19 A. I need to play back my -- you know, like, 11:38

20 my sentence. Okay. What about it? 11:38

21 Q. You -- okay. So there is data that is not 11:38

22 associated with individual users; is that right? 11:38

23 A. Overall? 11:38

24 Q. Yes. 11:38

25 A. Yes, we -- we do have some information 11:38

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 that is not associated with specific users. 11:38

2 Q. Right. 11:38

3 A. Like United's page on Facebook is not 11:38

4 associated with specific users. 11:38

5 Q. Okay. We'll put a pin in this and we'll 11:38

6 come back to it. Because I think really drilling in 11:39

7 on what Facebook can identify about me specifically 11:39

8 is at the heart of this deposition. 11:39

9 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Page 129

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. Okay. And do you know whether or not 11:39

2 [REDACTED] [REDACTED]

3 [REDACTED] 11:40

4 A. I don't know. 11:40

5 Q. Who would know? 11:40

6 A. I don't know. 11:40

7 Q. Who at Facebook was in charge for facial 11:40

8 tech -- recognition technology at this time? 11:40

9 A. I don't know. 11:40

10 Q. Who is Emily Sharpe? 11:40

11 A. I -- I don't know. I've heard that name 11:40

12 just recently. 11:40

13 Q. Okay. So I'd like for you to turn to the 11:40

14 next page. It says "Apps, Acquisition, and Creative 11:40

15 Labs" and it has the name of Travis Bright 11:40

16 underneath it. Do you see that? 11:40

17 A. Yes. 11:40

18 Q. And this is page 3433. 11:40

19 Who is Travis Bright? 11:40

20 A. I don't know. 11:40

21 Q. [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 11:41

25 Do you see that? 11:41

Page 130

1 A. And you said next page? 11:41

2 Q. I'm on the -- sorry. I'm on the bottom 11:41

3 paragraph on the page ending with 3433. 11:41

4 A. Oh, okay. 11:41

5 Sorry, which sentence? 11:41

6 Q. Well, let's do this. Do you see where it 11:41

7 says "Data Integration"? 11:41

8 A. Yes. 11:41

9 Q. Okay. So there it says, "Facebook's data 11:41

10 is hugely valuable but comes with a lot of 11:41

11 restrictions we've either placed on ourselves or by 11:41

12 external parties (regulators)." 11:41

13 Do you see that? 11:41

14 A. Yes. 11:41

15 Q. And it says a little bit lower there, 11:41

16 "Some apps want to take advantage of the data we 11:41

17 have while some are trying to simplify their app by 11:41

18 running it independently." 11:41

19 Do you see that? 11:41

20 A. Yes. 11:41

21 Q. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:41

24 Do you see that? 11:42

25 A. Yes. 11:42

1 Q. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:42  
5 Q. Got it. 11:42  
6 And then looking forward, it says, [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:42  
9 Do you see that? 11:42  
10 A. Let me see. Where are you now? 11:42  
11 Q. I'm sorry. It's two sentences -- here, 11:42  
12 I'll go at the sentence ahead. "You only need a 11:42  
13 phone to create an account, aliases used in the app 11:42  
14 aren't linked to Facebook profiles, and they are 11:42  
15 showing ads so don't even need demographic or 11:42  
16 aggregated data." 11:42  
17 Do you see that? 11:42  
18 A. Yes. 11:42  
19 Q. And then it says, [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:42  
22 Do you see that? 11:42  
23 A. Yes. 11:42  
24 Q. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:42

1 A. No. 11:42

2 Q. Okay. Now, it -- it's referring to 11:42

3 Facebook extracting data for reporting and search 11:43

4 warrants. Do you see that? 11:43

5 A. Yes, I do see that. 11:43

6 Q. Does Facebook do that? 11:43

7 A. Export data for search warrants? 11:43

8 Q. Yeah. 11:43

9 A. I [REDACTED] [REDACTED]

10 [REDACTED] 11:43

11 Q. Okay. 11:43

12 [REDACTED] 11:43

13 THE REPORTER: I'm sorry. By the -- 11:43

14 BY MS. WEAVER: 11:43

15 Q. And when Facebook extracts data -- 11:43

16 THE REPORTER: I'm sorry. I'm sorry. [REDACTED] [REDACTED]

17 [REDACTED] 11:43

18 THE WITNESS: I'm sorry? 11:43

19 THE REPORTER: You said something 11:43

20 [REDACTED] [REDACTED] 11:43

21 THE WITNESS: [REDACTED] [REDACTED]

22 [REDACTED] 11:43

23 BY MS. WEAVER: 11:43

24 Q. [REDACTED] 11:43

25 A. Yeah. 11:43

1 THE REPORTER: Thank you. 11:43

2 BY MS. WEAVER: 11:43

3 Q. [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] 11:43

6 A. I haven't been involved in the process, so 11:43

7 I don't know. 11:43

8 Q. Okay. [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] 11:44

11 A. My understanding is that, yes, we do. 11:44

12 Q. [REDACTED] [REDACTED]

13 [REDACTED] 11:44

14 A. I don't know. 11:44

15 Q. Who would know? 11:44

16 A. I don't know. 11:44

17 Q. Okay. So here, going back to the 11:44

18 paragraph where we started, it says "The next step 11:44

19 up from this is sharing of anonymized, aggregated, 11:44

20 or hashed data." 11:44

21 Do you see that? 11:44

22 A. Yes. 11:44

23 Q. And what is anonymized data? 11:44

24 A. Anonymized is any data that cannot be 11:44

25 associated with a specific user. 11:44

1 Q. Okay. And how does Facebook anonymize 11:44  
2 data? 11:44  
3 A. That's a very broad question, but if you 11:44  
4 want my high-level understanding, I'm happy to 11:44  
5 answer. 11:45  
6 Q. Yes, please. 11:45  
7 A. So normally, we disassociate the data with 11:45  
8 anybody's specific identity. I'll -- I'll use maybe 11:45  
9 the San Francisco example. Without necessarily, you 11:45  
10 know, like, suggesting who are the people that live 11:45  
11 in San Francisco who have created a cluster of some 11:45  
12 sort of the people that live in San Francisco. 11:45  
13 MS. WEAVER: I'm sorry, my realtime feed 11:45  
14 is not working. Could you read that answer back, 11:45  
15 please. 11:45  
16 (The record was read by the 11:46  
17 court reporter, as requested) 11:46  
18 BY MS. WEAVER: 11:46  
19 Q. Okay. Does every user get a user ID? 11:46  
20 Facebook user ID? 11:46  
21 A. Everybody that has an account on the 11:46  
22 Facebook platform will have a user ID. 11:46  
23 Q. Okay. And are there -- does Facebook use 11:46  
24 any other identifiers for individuals? 11:46  
25 A. I think if we look at the beginning of the 11:46



## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 document, it's being suggested that we use things 11:46

2 like IDFA, the Google ad ID -- 11:46

3 THE REPORTER: I'm sorry. We use 11:46

4 things -- 11:46

5 MS. WEAVER: Okay. 11:46

6 THE REPORTER: I'm sorry. We use 11:46

7 things -- 11:46

8 BY MS. WEAVER: 11:46

9 Q. What's the longest -- 11:46

10 THE REPORTER: I'm sorry. We use things 11:46

11 like? 11:46

12 THE WITNESS: IDFA and the Google ad ID. 11:46

13 MS. WEAVER: We should probably slow down 11:46

14 because we're making our court reporter's life 11:46

15 miserable. 11:46

16 THE WITNESS: Sorry. I will -- I will. 11:46

17 MS. WEAVER: No. It's my fault, too. 11:46

18 Q. Okay. What is the purpose of a user ID? 11:46

19 MS. STEIN: Objection to form. 11:46

20 THE WITNESS: Are you talking specifically 11:47

21 about the Facebook user ID? 11:47

22 BY MS. WEAVER: 11:47

23 Q. Yes. 11:47

24 A. It's to uniquely identify a user within 11:47

25 our own systems. 11:47

1 Q. And among the data Facebook collects from 11:47  
2 apps developed with its API is -- is also app users' 11:47  
3 IP addresses, right? 11:47

4 A. The SDK will pass (inaudible) -- 11:47

5 THE REPORTER: I'm sorry. One more time. 11:47

6 THE WITNESS: Sorry. I'm talking 11:47  
7 technical terms here. That's probably why. 11:47

8 The SDK will pass that information. 11:47

9 BY MS. WEAVER: 11:47

10 Q. Okay. So the platform that an app 11:47  
11 developer uses to send data will also send a user's 11:47  
12 IP address; is that correct? 11:47

13 MS. STEIN: Objection to form. 11:47

14 THE WITNESS: It depends. 11:47

15 BY MS. WEAVER: 11:47

16 Q. Well, I was just trying to say -- instead 11:47  
17 of saying SDK, I was trying to put what you said 11:47  
18 into English, so... 11:48

19 A. Yes, but there is nuance here. Because it 11:48  
20 may be the IP address of the app's back-end servers 11:48  
21 or the IP address of the phone, depending on when 11:48  
22 the call, the API call is initiated from. 11:48

23 Q. Okay. And the data Facebook collects from 11:48  
24 apps also includes this unique user-specific 11:48  
25 advertiser ID; is that right? 11:48

1 A. No. 11:48

2 Q. It does not? 11:48

3 A. That's not correct. 11:48

4 Q. What is incorrect? 11:48

5 A. It's a time you log in with an app using 11:48

6 Facebook, there is a unique identifier that is 11:48

7 mapped against your Facebook ID but is not the same. 11:48

8 And it's unique to the app. 11:48

9 Q. Okay. Fair enough. 11:48

10 And what would you call that? 11:48

11 A. It's called app-scoped ID. 11:48

12 Q. Okay. That's an app-scoped ID. 11:48

13 And then are apps themselves also assigned 11:48

14 separate identifiers? 11:49

15 A. Depends on their architecture. 11:49

16 Q. Okay. So some do and some don't; is that 11:49

17 right? 11:49

18 A. Yeah. For example, if an app only uses 11:49

19 Facebook as the only way to authenticate people, 11:49

20 they may as well use the app-scope ID as their only 11:49

21 identifier. But if an app uses different 11:49

22 authentication systems from, like, Google or Apple, 11:49

23 or even email passwords, they would probably have an 11:49

24 additional identifier in order to capture all 11:49

25 different ways of authentication. 11:49

1 Q. Okay. And when you say authenticate, what 11:49  
2 do you mean? 11:49  
3 A. Apps that require you to create an 11:49  
4 account, which allow you to create an account 11:49  
5 upfront, and then every time you try to log in back 11:49  
6 to that app will authenticate you based on that 11:49  
7 account you have created. 11:50  
8 Q. Okay. So is all data that's associated 11:50  
9 with a user linked through that user's user ID? 11:50  
10 MS. STEIN: Objection to form. 11:50  
11 THE WITNESS: I'm sorry. Is it in the 11:50  
12 context of Facebook or third-party apps? 11:50  
13 BY MS. WEAVER: 11:50  
14 Q. Let's do Facebook for now. 11:50  
15 A. And so all the data that we have been 11:50  
16 talking about this morning, native data, behavioral 11:50  
17 data, will be associated back to that Facebook user 11:50  
18 ID. 11:50  
19 Q. I'm sorry, I just didn't hear what... 11:50  
20 A. The behavioral data -- 11:50  
21 Q. Would be associated -- yes. Okay. 11:50  
22 Perfect. 11:50  
23 And how is that mapping accomplished? Is 11:50  
24 every data point that's pulled in assigned to the 11:50  
25 user ID? 11:50

1 MS. STEIN: Objection to form. 11:50

2 THE WITNESS: So in my -- so you use Word 11:50

3 With Friends and you have created an account using 11:51

4 Facebook. The app developer will make an API call 11:51

5 the next time you try to open the app and 11:51

6 authenticate yourself. The information that they 11:51

7 are going to be passing back to us is your app-scope 11:51

8 ID. 11:51

9 BY MS. WEAVER: 11:51

10 Q. Uh-huh. 11:51

11 A. And we are going to basically confirm to 11:51

12 them, that, yes, this is a user; that you have 11:51

13 previously authenticated successfully and they 11:51

14 should be logged in. 11:51

15 Q. Okay. 11:51

16 A. Now, what -- what we are getting from the 11:51

17 app developer is your app-scoped ID. And what we 11:51

18 basically do is map it on our end with the Facebook 11:51

19 User ID. 11:51

20 Q. Okay. And what about appended data? Is 11:51

21 that mapped -- information received about users from 11:51

22 third parties, what do you call that again? 11:51

23 Off-site? No, that's behavioral. 11:52

24 A. Yeah, so this is -- 11:52

25 Q. Off-platform? 11:52

1	A. Off-platform, yes.	11:52
2	Q. So is off-platform data received about	11:52
3	users attached to a Facebook user ID as well?	11:52
4	A. I'm trying to think. No. My	11:52
5	understanding is that that's not the kind of data	11:52
6	that would be associated with a specific user	11:52
7	profile because they are for the purposes of	11:52
8	creating ad campaigns.	11:52
9	Q. Okay. So what we were about to get into	11:52
10	here, and we can read the document, but I'll just	11:52
11	ask you. At some point Facebook aggregates data,	11:52
12	right? It receives data from advertisers or data	11:52
13	brokers or apps about their activities off-site,	11:52
14	correct?	11:52
15	A. Yes.	11:52
16	Q. And then it also possesses information	11:52
17	about users, correct?	11:53
18	A. The possession is not really the right	11:53
19	term, but I understand, I think, what you are	11:53
20	saying.	11:53
21	Q. Okay. And so how does -- and Facebook	11:53
22	also aggregates this data? It brings the data	11:53
23	together; is that correct?	11:53
24	A. Yes.	11:53
25	MS. STEIN: Objection to form.	11:53

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 THE REPORTER: I'm sorry, was there an 11:53  
2 objection? 11:53  
3 MS. STEIN: I said "Objection to form." 11:53  
4 THE REPORTER: Thank you. 11:53  
5 BY MS. WEAVER: 11:53  
6 Q. How does Facebook authenticate or match 11:53  
7 the data that it's receiving off-site to the data 11:53  
8 that it possesses on-site -- itself? 11:53  
9 A. Back to the previous example. The ID of 11:53  
10 that user will be mapped to a user ID. If a third 11:53  
11 party is sending information via SDK or a pixel and 11:53  
12 that association will be, I guess -- let me see. 11:53  
13 That's probably poor framing. 11:54  
14 The association will happen at the user ID 11:54  
15 level. 11:54  
16 Q. Okay. 11:54  
17 So with a user ID you could -- you should 11:54  
18 be able to identify off-site data and data that 11:54  
19 Facebook already possessed because of Facebook 11:54  
20 activity, correct? 11:54  
21 MS. STEIN: Object to form. 11:54  
22 THE WITNESS: Yes, but that's not 11:54  
23 different from what's available in your DYI file. 11:54  
24 MS. WEAVER: I'll move to strike. That's 11:54  
25 not what I'm asking. 11:54

1 Q. I'm just trying to understand how Facebook 11:54  
2 aggregates data. 11:54  
3 So what is a cross-app identifier? 11:54  
4 A. Is it in the -- sorry. I'm just looking. 11:54  
5 Q. No, no. It is in the documents, but do 11:54  
6 you know what a cross-app identifier is? 11:54  
7 A. I think it refers to an identity that 11:55  
8 people have across their family of apps between 11:55  
9 Instagram, Facebook, Messenger, and WhatsApp. 11:55  
10 Q. Okay. So do you know what a hashed UID 11:55  
11 is? 11:55  
12 A. In the context of audience network? 11:55  
13 Sorry. In audiences, as we discussed, advertisers 11:55  
14 can upload hashed email addresses or hashed phone 11:55  
15 numbers. They will then be associated with specific 11:55  
16 users on our platform to the extent that they have 11:55  
17 that information provided to us. 11:55  
18 Q. Okay. So I'll ask you to just look at the 11:55  
19 bottom of page 433. 11:55  
20 A. Yes. 11:55  
21 Q. Do you see where it begins -- it's in the 11:55  
22 middle of the paragraph. I apologize for this. It 11:55  
23 says "So if Bob sees an ad within a Firefox window." 11:56  
24 Do you see that? 11:56  
25 A. Yes. 11:56



1 Q. "So if Bob sees an ad within a Firefox 11:56  
2 window and then later makes a purchase within a 11:56  
3 Chrome window or via his phone, the ad server and 11:56  
4 measurement would not be able to link those actions 11:56  
5 together, leading to poor knowledge about what's 11:56  
6 driving people their purchases." Do you see that? 11:56

7 A. Yes, I see that. 11:56

8 Q. And then it says "Facebook can solve this 11:56  
9 by writing a hashed UID to the Atlas cookie." Do 11:56  
10 you see that? 11:56

11 A. Yes. 11:56

12 Q. And it says [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] Do you 11:56  
16 see that? 11:56

17 A. Yes. 11:56

18 Q. So is this a practice that Facebook 11:56  
19 engaged in during -- from 2012 to 2017? 11:56

20 A. [REDACTED] 11:56

21 Q. No, in general. 11:57

22 A. In general, [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 11:57

1 [REDACTED] [REDACTED]  
2 [REDACTED] 11:57  
3 Q. Okay. Is it true that the Facebook UID is 11:57  
4 the same across all of the browsers and devices you 11:57  
5 are logged into? 11:57  
6 A. For what is -- for what is related to 11:57  
7 Facebook, yes, that's true. 11:57  
8 Q. Okay. And then how does -- just to return 11:57  
9 to our discussion of app-scoped IDs, how does 11:57  
10 mapping between user ID and app-scoped ID 11:57  
11 accomplished? Is there a table? 11:57  
12 A. So under your user settings you can see -- 11:57  
13 your Facebook user settings you can see which apps 11:57  
14 you have logged in, right? So there is an app-scope 11:57  
15 ID for each one of those apps. And it should also 11:57  
16 appear on your user profile. 11:58  
17 THE REPORTER: I'm sorry, "also appear"... 11:58  
18 THE WITNESS: On the user profile. 11:58  
19 BY MS. WEAVER: 11:58  
20 Q. I'm sorry, I've lost -- 11:58  
21 A. The user settings, whatever you want it. 11:58  
22 Q. Okay. But it's not -- the DIY profile is 11:58  
23 not doing the mapping. Facebook is doing the 11:58  
24 mapping. Where is that done? 11:58  
25 A. Facebook is doing the mapping ads and it's 11:58

1 captured in the DYI files. 11:58

2 Q. Okay. Forget the DIY file. Where -- how 11:58

3 does the mapping between the user ID and app-scoped 11:58

4 ID happen? 11:58

5 MS. STEIN: Objection to form. 11:58

6 THE WITNESS: Which server? 11:58

7 BY MS. WEAVER: 11:58

8 Q. Sorry? 11:58

9 A. Which server? I can't answer that 11:58

10 question. 11:58

11 Q. I don't -- what do you mean "which 11:58

12 server"? 11:58

13 A. I mean I don't understand what -- there's 11:58

14 no locations, yeah. 11:58

15 Q. Okay. So how -- how is the mapping 11:58

16 accomplished? Is it an algorithm? 11:58

17 MS. STEIN: Objection to form and -- 11:58

18 BY MS. WEAVER: 11:58

19 Q. Is there -- 11:58

20 MS. STEIN: -- it's really beyond the 11:58

21 scope of this deposition at this point. 11:58

22 MS. WEAVER: Fully disagree. We are 11:59

23 trying to figure out what data can be produced for 11:59

24 nine plaintiffs. 11:59

25 MS. STEIN: You're asking about mapping of 11:59

1 IDs. 11:59

2 MS. WEAVER: Exactly. I know that you 11:59

3 don't -- well, anyway. 11:59

4 Q. So let's continue. 11:59

5 A. It's -- don't worry. 11:59

6 Q. Thank you. 11:59

7 A. This is -- this is actually not very 11:59

8 complicated thing. Because we are issuing the 11:59

9 app-scope ID, so we don't need to do that mapping. 11:59

10 Q. I see. Okay. So it -- 11:59

11 A. We do the mapping when -- the developer 11:59

12 uses that app-scope ID when they make an API call. 11:59

13 But we are the ones giving them the app-scope ID. 11:59

14 Q. Okay. All right. Good. Thank you. 11:59

15 Let me turn to one other -- I apologize, 11:59

16 but I want to just stick with this. 12:00

17 Okay. So let's talk about hashing then 12:00

18 for a second. Is it true that Facebook -- well, is 12:00

19 hashing a one-way function? 12:00

20 A. I don't understand what you mean by that. 12:00

21 Q. Hashing is a process of assigning a 12:00

22 particular piece of data to -- I think Facebook 12:00

23 uses -- what's it called? -- sha 256, which is an 12:00

24 algorithm -- 12:00

25 A. Yes. 12:00

1 Q. -- to assign, right? Okay. 12:00

2 So when Facebook hashes that data, is it 12:00

3 possible to reverse engineer and reidentify where 12:00

4 the data came from? 12:00

5 A. I don't know. I -- my technical knowledge 12:00

6 is not sufficient to answer that question. 12:00

7 Q. Okay. Can hash data be reidentified using 12:00

8 data stored on Facebook systems? 12:00

9 A. It's not meant to be, so I don't know. 12:00

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] 12:01

17 Q. Okay. Are you aware of a rule that data 12:01

18 is hashed after 90 days? 12:01

19 A. In what context? 12:01

20 Q. I -- never mind. If you're not familiar 12:01

21 with it, it's fine. 12:01

22 Is a reidentifier assigned to hashed data? 12:01

23 A. I think you may be referring -- I'm 12:01

24 double-guessing. So give me an honest -- if I'm 12:01

25 going through an account -- I think you are 12:02

1 referring to the deletion of an account and our 12:02  
2 ability to preserve the data for 90 days in this 12:02  
3 kind of semi state in case they change their minds. 12:02  
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] 12:02  
7 to people to change their minds within a certain 12:02  
8 time frame in case they want to restore in their 12:02  
9 Facebook account. 12:02  
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 12:02  
13 MS. STEIN: Objection to form. 12:02  
14 THE WITNESS: I don't know. 12:02  
15 MS. WEAVER: What was the objection? 12:02  
16 MS. STEIN: Objection to form. 12:02  
17 MS. WEAVER: What was the basis? 12:02  
18 MS. STEIN: I find your question confusing 12:02  
19 and overbroad. 12:02  
20 MS. WEAVER: Okay. Just wanted to make 12:02  
21 sure you weren't coaching the witness. 12:02  
22 MS. STEIN: I'm saying "Objection to 12:02  
23 form." 12:02  
24 Lesley, please stop with your coaching 12:02  
25 objections. I've not made a lot of objections and 12:03

Page 150

1 any interest, but an interest that is specific to 12:04  
2 Spotify. 12:04  
3 Q. Okay. 12:04  
4 A. But we have no access to that. 12:04  
5 Q. In your example, is the -- Beyonce, is 12:04  
6 that hashed data? 12:04  
7 A. If Spotify decides to run a custom 12:04  
8 audience campaign on Facebook for everybody that has 12:04  
9 been listening to Beyonce on Spotify, it would come 12:04  
10 in the form of hashed email addresses that we 12:04  
11 wouldn't necessarily have the ability to identify 12:04  
12 with specific users. 12:04  
13 Q. Okay. So for creating custom audiences 12:04  
14 are hash -- is hashed data combined with nonhashed 12:04  
15 or identified data such as the user profile? 12:04  
16 A. No. Why would we do that? It doesn't 12:05  
17 make sense. I mean from -- not even from a 12:05  
18 technical perspective. But not even for the purpose 12:05  
19 of running a successful campaign. 12:05  
20 Spotify wants to target specific users 12:05  
21 that are already on their platform for the purpose 12:05  
22 of retargeting. So there is no point in us, you 12:05  
23 know, like using any other data unless they 12:05  
24 specified into their app -- ad campaign. But that 12:05  
25 would be broader than just the custom audience. 12:05



HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. Okay. All right. So back to -- we're 12:05  
2 almost done with this, I hope. And thank you for 12:05  
3 your patience. I know we're getting into lunchtime. 12:05  
4 Okay. Turn, if you wouldn't mind, to the 12:05  
5 next page. It's ending on 434. 12:05  
6 A. Yes. 12:05  
7 Q. Just looking at the top paragraph there, 12:05  
8 do you see where it says [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 12:06  
14 A. Yes. 12:06  
15 Q. Okay. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 12:06  
18 A. I'm sorry, [REDACTED] [REDACTED]  
[REDACTED] right? 12:06  
20 Q. Okay. It could be. We can start with 12:06  
21 that. 12:06  
22 A. No, this is the section that talks about 12:06  
23 apps, positions and creative apps with Facebook's 12:06  
24 own properties. 12:06  
25 Q. [REDACTED] 12:06

Page 152

1 [REDACTED] [REDACTED]  
2 [REDACTED] 12:06  
3 A. It depends. 12:06  
4 MS. STEIN: Object to form. You can talk 12:06  
5 about the 2012 to 2017 time period. Don't speculate 12:06  
6 as to all times. 12:07  
7 THE WITNESS: Yeah, this is a very 12:07  
8 difficult question because it depends on the nature 12:07  
9 of the integration and the app in question. 12:07  
10 BY MS. WEAVER: 12:07  
11 Q. What about Instagram? 12:07  
12 A. Instagram is almost fully integrated. 12:07  
13 Q. Okay. And when you say "almost," what is 12:07  
14 not integrated? 12:07  
15 A. There are certain aspects of the Instagram 12:07  
16 platform that are unique to Instagram. For example, 12:07  
17 you can create an account on Instagram not using 12:07  
18 Facebook. 12:07  
19 Q. In that case is your data still 12:07  
20 integrated? 12:07  
21 MS. STEIN: Objection to form. 12:07  
22 THE WITNESS: In what sense integrated? 12:07  
23 BY MS. WEAVER: 12:07  
24 Q. In the sense that Facebook has access to 12:07  
25 all of it. 12:07

1 A. If you go to your DIY file you wouldn't 12:07  
2 find any activity related to what you're doing on 12:07  
3 Instagram. 12:07

4 Q. That's -- I just -- you keep running to 12:07  
5 the DIY file and I'm not asking -- 12:07

6 A. I'm just using -- look, I understand. But 12:07  
7 I'm trying -- I'm just trying to, you know, have you 12:08  
8 understand that everything about you is in that 12:08  
9 file. 12:08

10 Q. Except for categories you've identified 12:08  
11 previously? 12:08

12 A. I'm sorry, I don't understand your -- 12:08

13 Q. So derived data is not contained in the 12:08  
14 DIY file, right? 12:08

15 MS. STEIN: Objection. Misstates your 12:08  
16 testimony. 12:08

17 THE WITNESS: I -- I disagree with that 12:08  
18 statement. 12:08

19 BY MS. WEAVER: 12:08

20 [REDACTED] [REDACTED] 12:08  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 12:08

23 Q. Okay. 12:08

24 A. [REDACTED] [REDACTED]  
[REDACTED] 12:08

1 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
4 Q. Okay. I think we are done with this 12:09  
5 document. I want to make sure. 12:09  
6 You can set aside Exhibit 3. I don't 12:09  
7 think we'll be returning to it, but I can't promise. 12:09  
8 So we've discussed a vast amount of -- 12:09  
9 well, strike that. 12:09  
10 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 12:09  
12 MS. STEIN: Objection. Outside the scope. 12:09  
13 THE WITNESS: I don't know. 12:09  
14 BY MS. WEAVER: 12:09  
15 Q. [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 12:10  
19 Q. And do you recall how many current 12:10  
20 Facebook users there are in the United States? 12:10  
21 A. Roughly, I think 200 million or something. 12:10  
22 Q. Okay. And do you know how many users, 12:10  
23 U.S. users, there have been from 2007 to the 12:10  
24 present? 12:10  
25 A. No, I don't know. 12:10

1 MS. STEIN: Objection. Outside the scope. 12:10

2 BY MS. WEAVER: 12:10

3 Q. Do you know where in general user data is 12:10

4 stored? What's a UDB? Are you familiar with the 12:10

5 term? 12:10

6 A. No, but I suspect it means user database. 12:10

7 Q. And what is it? 12:10

8 A. I don't know. 12:10

9 Q. Does Facebook have user databases? 12:10

10 A. We have different databases where we store 12:10

11 information. 12:10

12 Q. Okay. Are you familiar with a database 12:10

13 called MySQL database? 12:11

14 A. Yes. 12:11

15 Q. What is it? 12:11

16 A. It's a database that stores different 12:11

17 kinds of information. 12:11

18 Q. What kind of information? 12:11

19 A. Different entities from users to 12:11

20 businesses and so on. 12:11

21 Q. Okay. So what specific information about 12:11

22 users does MySQL database store? 12:11

23 A. Anything related to your activity on the 12:11

24 platform is stored in MySQL. 12:11

25 Q. And how many databases support MySQL 12:11

1 database? Is it one database or is it many? 12:11

2 A. So this is where I think where we are in 12:11

3 technical territory that I'm not well-placed to 12:11

4 respond. We are talking about database 12:11

5 architecture, which is not my area of expertise. 12:11

6 Q. Okay. Do you recall assisting -- well, 12:11

7 strike that. 12:12

8 Do you know what an interrogatory is? 12:12

9 A. Someone that has been interrogated. 12:12

10 Q. Fair enough. We received some written 12:12

11 responses about the location of user data, which is 12:12

12 at the square of this deposition. And Facebook 12:12

13 identified a few databases where it says user data 12:12

14 is stored. And I'm just asking if you are familiar 12:12

15 with them. 12:12

16 A. I'm aware of MySQL. I'm aware of Tao. 12:12

17 I'm aware of Hive databases where different kinds of 12:12

18 information is stored. 12:12

19 Q. Okay. I'm just trying to understand what 12:12

20 is stored in each of them. 12:12

21 A. Well, I can't tell you at a high level. 12:12

22 MS. STEIN: Lesley, he already testified 12:12

23 to this. He told you that this is beyond the scope. 12:12

24 MS. WEAVER: Please do not state for him. 12:12

25 Please provide me the information. 12:12

1 MS. STEIN: No, Lesley, Lesley, I'm 12:12

2 allowed to make my objection. I'm not coaching the 12:12

3 witness. 12:12

4 MS. WEAVER: And that's a fact? 12:12

5 MS. STEIN: I'm about to tell you that the 12:12

6 interrogatories, the technical interrogatories, were 12:12

7 not verified by this witness. 12:12

8 MS. WEAVER: Who were they verified by? 12:13

9 MS. STEIN: The other individual who 12:13

10 verified the other portion of interrogatories. 12:13

11 BY MS. WEAVER: 12:13

12 Q. So you're not prepared to testify about 12:13

13 the location of user data today; is that correct? 12:13

14 MS. STEIN: That's an unfair 12:13

15 characterization. He is not testifying about the 12:13

16 architecture of his book systems. 12:13

17 MS. WEAVER: Well, we're going to have to 12:13

18 get somebody back for that. 12:13

19 Q. So do you know what's contained in MySQL 12:13

20 database at all other than to say users' activities? 12:13

21 A. Anything else related to the users 12:13

22 activities on Facebook should be in MySQL database. 12:13

23 Certain -- certain aspects of those activities, for 12:13

24 example, their connection with other people or with 12:13

25 other entities would probably be captured in Tao 12:13

1 database. 12:13

2 Q. Okay. And what is -- 12:13

3 A. Their activities on Facebook or 12:13

4 off-platform or API calls will be captured on Hive. 12:14

5 That's at a very high level how our database are 12:14

6 architected. 12:14

7 Q. And what is Hive? 12:14

8 A. It's a database that captures logs. 12:14

9 Q. And what are logs? 12:14

10 A. It's an activity that you have taken on- 12:14

11 or off-platform made by a call that was made from an 12:14

12 app on your behalf. The fact that you may have 12:14

13 liked someone's photo is something that lives in 12:14

14 Hive. 12:14

15 Q. Okay. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 12:14

19 Q. Okay. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 12:15



1 [REDACTED] 12:15

2 Q. Going back to Tao, is it Tao or Dow? 12:15

3 A. T-A-O. 12:15

4 Q. Okay. That stands for the associations 12:15

5 and optics server; is that right? 12:15

6 A. I don't remember what it stands for, but 12:15

7 it's definitely connections, database. 12:15

8 Q. Okay. When you say it's the connections, 12:15

9 is it a relational database? 12:15

10 A. Yes. 12:15

11 Q. Okay. 12:15

12 A. It identifies people's connections with 12:15

13 friends and other entities on the platform. 12:16

14 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] 12:16

21 Q. What is ZippyDB? Do you know? 12:16

22 A. No, I don't really recall what -- ZippyDB. 12:16

23 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

1

■

■

■

■

■

■

■

■

10

11

12

13

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

MS. STEIN: Object to form.

THE WITNESS: Yes.

BY MS. WEAVER:

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

12:17

12:17

12:17

12:17

■

■

■

■

■

■

■

■

■

■

■

■

■

Page 162

1           A.    Because of activity that happens on the           12:19  
2 platform, yes.           12:19  
3           [REDACTED]           [REDACTED]           [REDACTED]           [REDACTED]  
4           [REDACTED]           [REDACTED]           [REDACTED]           [REDACTED]  
5           [REDACTED]           [REDACTED]           [REDACTED]           [REDACTED]  
6           [REDACTED]           [REDACTED]           [REDACTED]           [REDACTED]  
7           [REDACTED]           [REDACTED]           [REDACTED]           12:19  
8           Q.    Like privacy controls should be in the DIY           12:19  
9 file?           12:19  
10          A.    If you change the privacy controls you           12:19  
11 mean?           12:19  
12          Q.    I -- in general what the settings are,           12:19  
13 sure, yeah. Is that in the DIY file?           12:19  
14          A.    It's a very broad question because depends           12:19  
15 whether -- are you talking about specifically a post           12:19  
16 that you made and the privacy controls for that or           12:19  
17 privacy controls for a specific attribute on your           12:19  
18 user profile?           12:20  
19          Q.    Either. You can answer both questions.           12:20  
20               MS. STEIN: Objection to form.           12:20  
21               THE WITNESS: We -- we will know and the           12:20  
22 DIY file should indicate whether your date of birth           12:20  
23 is private information, i.e., only available to you           12:20  
24 or available to your friends or available to the           12:20  
25 public. Because we need to be able to control the           12:20

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 access to that piece of information whenever someone 12:20

2 requests that information. 12:20

3 And similarly -- 12:20

4 BY MS. WEAVER: 12:20

5 Q. I don't mean to cut you off, but let me 12:20

6 just ask because I don't think we -- we want to have 12:20

7 as little time together as possible in some sense, 12:20

8 so let me just ask you what I'm trying to get at. 12:20

9 [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 12:21

16 THE REPORTER: I'm sorry, [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 12:21

18 THE WITNESS: [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 12:21

21 BY MS. WEAVER: 12:21

22 Q. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 12:21

Page 164



□ □ □ □ □

Page 166

Page 167



1 [REDACTED] 12:26

2 Q. Do you have a name of somebody in data 12:26

3 science? 12:26

4 A. No, I don't. 12:26

5 Q. Could you find that out? 12:26

6 A. Are you asking me or the counsel? 12:26

7 Q. I'm asking Facebook, you. 12:26

8 A. I could. 12:26

9 Q. Yeah. 12:26

10 A. But I need -- I need to understand exactly 12:26

11 the technical, you know, aspects of your question 12:26

12 and make sure -- 12:26

13 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] 12:27

20 Q. Do you know if that's occurred in this 12:27

21 case? 12:27

22 MS. STEIN: I'm just going to object 12:27

23 because the witness just told you that he didn't 12:27

24 know one way or the other and is guessing, so... 12:27

25 BY MS. WEAVER: 12:27

24	MS. STEIN: I think now is a good time for	12:28
25	lunch.	12:28

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 1 MS. WEAVER: That's fine. We can go to 12:28  
2 2 lunch and why don't we -- do you want a half an 12:28  
3 3 hour? 12:28  
4 4 THE REPORTER: Do you want to go off the 12:28  
5 5 record first? 12:28  
6 6 MS. WEAVER: Yes, let's go off the record. 12:28  
7 7 THE VIDEOGRAPHER: We are off the record 12:28  
8 8 12:28 8 at p.m.  
9 9 (Whereupon a luncheon recess was had.) 12:28  
10 10  
11 11  
12 12  
13 13  
14 14  
15 15  
16 16  
17 17  
18 18  
19 19  
20 20  
21 21  
22 22  
23 23  
24 24  
25 25

## HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	Tuesday, February 23, 2021	01:15
2	1:19 P.M.	01:15
3		01:15
4	THE VIDEOGRAPHER: We are on the record at	01:19
5	1:19 p.m.	01:19
6	EXAMINATION (resumed)	01:19
7	BY MS. WEAVER:	01:19
8	Q. Good afternoon, K.P. Do you understand	01:19
9	that you are still under oath?	01:19
10	A. Yes, I do. Thank you.	01:19
11	Q. Okay. Let's change focus a little bit.	01:19
12	What is News Feed?	01:20
13	A. The easiest way to describe the News Feed	01:20
14	is a collection of stories published by pages you	01:20
15	follow or your friends that you would see when you	01:20
16	go to Facebook or when you open the Android or iOS,	01:20
17	yeah.	01:20
18	Q. And does an algorithm determine the	01:20
19	content that a user receives on News Feed?	01:20
20	A. Yes, it does.	01:20
21	Q. It's an intelligent algorithm, right; so	01:20
22	it's constantly learning?	01:20
23	A. It's an intelligent algorithm because the	01:20
24	purpose of the feed is to be relevant to the user.	01:20
25	Q. Right. But -- so it's constantly	01:20

1 learning, right? 01:20

2 A. Yes, it will -- 01:20

3 Q. Changes -- 01:20

4 A. It updates itself periodically based on 01:20

5 information around your response to some of the 01:20

6 stories that you see. 01:20

7 Q. Okay. And what are the inputs for the 01:20

8 algorithm so that it can be intelligent and learn? 01:20

9 MS. STEIN: Objection to form. 01:21

10 THE WITNESS: Your interactions with 01:21

11 content that shows up on the News Feed informs how 01:21

12 the algorithm trains itself -- itself. 01:21

13 BY MS. WEAVER: 01:21

14 Q. And so when a user clicks on a story or 01:21

15 engages with it, does Facebook record that activity? 01:21

16 A. There is a record of that activity, yes. 01:21

17 Q. Fair enough. Thank you. 01:21

18 So is one objective of News Feed to 01:21

19 increase users interaction with varying courses of 01:21

20 content to learn what they are interested in? 01:21

21 A. The main objective of the News Feed is to 01:21

22 keep you informed about the things that matter to 01:21

23 you. 01:21

24 Q. Right. And so how does News Feed 01:21

25 determine what matters to you? 01:21

1	A. Based on your interactions with the	01:21
2	comments that show up there, it trains itself.	01:21
3	Q. And is it true that the more the user	01:22
4	engages on the platform, the more accurate News Feed	01:22
5	will be?	01:22
6	A. The level --	01:22
7	MS. STEIN: Object to form.	01:22
8	THE WITNESS: It's very subjective.	01:22
9	BY MS. WEAVER:	01:22
10	Q. Okay. But isn't it true that the more	01:22
11	data points the algorithm has about users, the more	01:22
12	it can correctly gauge whether or not it is giving	01:22
13	users the content they want to see?	01:22
14	MS. STEIN: Objection to form.	01:22
15	THE WITNESS: Like I think I said, the	01:22
16	purpose of the News Feed is to connect you with	01:22
17	information that's relevant to you. And so there is	01:22
18	no element of accuracy in that sense. It all goes	01:22
19	back to relevance. And relevance --	01:22
20	BY MS. WEAVER:	01:22
21	Q. Okay.	01:22
22	A. -- is very subjective.	01:22
23	Q. And what does relevance mean to you?	01:22
24	A. Relevance is a way of being captured by	01:22
25	the kind of interactions you have with that piece of	01:23

1 content. 01:23

2 Q. Okay. So when you say -- so Facebook is 01:23

3 trying to give me a News Feed that I will find 01:23

4 relevant; is that right? 01:23

5 A. Correct. 01:23

6 Q. And how does it find what is relevant to 01:23

7 me? 01:23

8 A. It's calculated in realtime, and based on 01:23

9 the interactions you're going to have with the 01:23

10 content that is displayed to you, we will determine 01:23

11 whether content from the same entity or of the same 01:23

12 kind would be relevant to you in a future instance. 01:23

13 Q. So is it Facebook's view that these data 01:23

14 sets are necessary to determine the relevancy of 01:23

15 these updates to users? 01:23

16 MS. STEIN: Objection to form. Beyond the 01:23

17 scope. 01:23

18 THE WITNESS: Are you talking about 01:23

19 specific data sets? 01:23

20 BY MS. WEAVER: 01:23

21 Q. In general, just in general at a high 01:23

22 level. 01:23

23 MS. STEIN: Objection to form and beyond 01:23

24 the scope. 01:23

25 THE WITNESS: There are certain signals 01:24

1       that we are going to be using to determine how the       01:24  
2       future versions of the New Feeds would be relevant       01:24  
3       to you.       01:24  
4       BY MS. WEAVER:       01:24  
5             Q.     Okay. And what signals are those?       01:24  
6             A.     Your affinity with the people that posting       01:24  
7       those stories, so the business entity that is       01:24  
8       posting those stories to your previous response to       01:24  
9       content of the same type.       01:24  
10            Q.     And all of this is data that Facebook       01:24  
11       collects about users while they're on and off the       01:24  
12       platform, correct?       01:24  
13            A.     We record --       01:24  
14                 MS. STEIN: Objection to form.       01:24  
15                 THE WITNESS: We record the interactions       01:24  
16       you have with that platform to inform the future       01:24  
17       (indecipherable) --       01:24  
18                 THE REPORTER: I'm sorry, I did not -- I'm       01:24  
19       sorry, I did not understand.       01:24  
20       BY MS. WEAVER:       01:24  
21             Q.     In order to inform? I did not hear the       01:24  
22       last part.       01:24  
23             A.     A future -- a future instance of the News       01:24  
24       Feed that will remain relevant to you.       01:24  
25             Q.     Is there a standard set of documents or       01:24



1 manuals that describes how News Feed operates? 01:24

2 A. There is nothing like that. 01:25

3 Q. Okay. Does Facebook use internal training 01:25

4 manuals when a new hire comes on or do they point 01:25

5 just everybody to the public website? 01:25

6 A. For what purposes? 01:25

7 Q. For -- let's say you hire an engineer who 01:25

8 is going to work on the algorithm for News Feed. 01:25

9 A. I haven't been through that training so I 01:25

10 don't have firsthand experience. 01:25

11 Q. Okay. When you started at Facebook did 01:25

12 they give you a training manual? 01:25

13 A. What do you mean, like a book printed? 01:25

14 Q. Yeah, or online, some kind of way to 01:25

15 acclimate you to how Facebook operates. 01:25

16 A. Well, they're -- my obligations to 01:25

17 Facebook are documented in different formats. In 01:25

18 2012 I did not get a paper copy of that, but I was 01:25

19 given links to trainings that I had to undertake to 01:25

20 verify my understanding of the company's policies. 01:25

21 Q. Okay. So we discussed this earlier in the 01:26

22 morning. But apps on Facebook's platform send 01:26

23 information about users of those apps to Facebook, 01:26

24 right? 01:26

25 A. Apps on Facebook platform send information 01:26

1 about those users back to Facebook, is that the 01:26  
2 question? 01:26  
3 Q. Yes. 01:26  
4 MS. STEIN: Objection to form. 01:26  
5 THE WITNESS: They send certain pieces of 01:26  
6 information about those users, the users' activities 01:26  
7 to those -- 01:26  
8 BY MS. WEAVER: 01:26  
9 Q. Right. Is it a true statement that app 01:26  
10 developers share data with Facebook through the 01:26  
11 Facebook software development kit? 01:26  
12 A. Different kinds of data, but yes. 01:27  
13 Q. Yes? The answer is "yes," isn't it? 01:27  
14 A. Yes. 01:27  
15 Q. Okay. So I'm just going to say, apps on 01:27  
16 Facebook's platform send information about users of 01:27  
17 those apps to Facebook, correct? 01:27  
18 MS. STEIN: Objection. The witness 01:27  
19 clarified the statement for you. 01:27  
20 THE WITNESS: Yeah, an app developer that 01:27  
21 uses the SDK will send different pieces of 01:27  
22 information related to that user or the activity of 01:27  
23 that user to that third-party app. 01:27  
24 BY MS. WEAVER: 01:27  
25 Q. Okay. Are you familiar with action 01:27

1 importers? 01:27

2 A. Action importers? Vaguely. 01:27

3 Q. Okay. What's your recollection? 01:27

4 MS. STEIN: Objection to form. 01:27

5 THE WITNESS: I -- I don't want to answer 01:27

6 because I don't know in what context. 01:27

7 MS. WEAVER: Are you instructing him not 01:27

8 to answer? 01:27

9 MS. STEIN: Did you hear me instruct him 01:28

10 not to answer, Lesley? 01:28

11 MS. WEAVER: Okay. 01:28

12 MS. STEIN: The witness is testifying in 01:28

13 response to your question. Why don't you listen to 01:28

14 him. 01:28

15 MS. WEAVER: I'd rather listen to him for 01:28

16 sure. 01:28

17 Q. What are -- what is action importers, 01:28

18 K.P., please? 01:28

19 A. I need you to provide me a little bit more 01:28

20 context. 01:28

21 Q. What is your understanding of what action 01:28

22 importers is? 01:28

23 A. It was a feature, by my recollection, of 01:28

24 the platform that allowed the third party to do an 01:28

25 import of all the actions taken by a user on a 01:28

1 third-party app. 01:28

2 Q. When you say -- 01:28

3 MS. WEAVER: Could you repeat the last 01:28

4 part? Could you read back his response? Realtime 01:28

5 is still not working. 01:28

6 (The record was read by the 01:28

7 court reporter, as requested) 01:28

8 BY MS. WEAVER: 01:28

9 Q. Okay. And when did action importers 01:29

10 function? Was it during the 2012 to 2017 time 01:29

11 frame? 01:29

12 A. I don't know. 01:29

13 Q. Who would know? 01:29

14 A. I don't know who would know. 01:29

15 Q. Can you, as testifying on behalf of 01:29

16 Facebook today, say that you do not know who was 01:29

17 involved with action importers? 01:29

18 A. No, because my understanding of that 01:29

19 feature -- my recollection, again, being before 01:29

20 my -- you know, my date of arrival at Facebook. 01:29

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] 01:29

24 MS. STEIN: Objection to form. 01:29

25 [REDACTED] [REDACTED] 01:29

1 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 01:30  
5 BY MS. WEAVER: 01:30  
6 Q. What is data reciprocity, to your 01:30  
7 understanding? 01:30  
8 A. Data in that context is very broad. I'm 01:30  
9 talking about specific obligations stemming out of 01:30  
10 the platform policies that require a third-party 01:30  
11 developer to allow people to post activity from that 01:30  
12 app back to Facebook. 01:30  
13 Q. No, I'm talking about Facebook and apps 01:30  
14 sharing data with each other. Facebook provided 01:30  
15 data to apps and apps provided data back to 01:30  
16 Facebook. Are you aware -- 01:30  
17 MS. STEIN: Objection. 01:30  
18 BY MS. WEAVER: 01:30  
19 Q. -- of that occurring during the time 01:30  
20 frame 2012 to 2017? 01:30  
21 MS. STEIN: Objection to form. 01:30  
22 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 01:30

1 BY MS. WEAVER: 01:30

2 Q. I'm not talking about users -- 01:30

3 MS. STEIN: Lesley -- Lesley, let the 01:31

4 witness finish his answer. 01:31

5 MS. WEAVER: He's not answering the right 01:31

6 question. 01:31

7 MS. STEIN: He's answering -- just don't 01:31

8 cut off the witness when he's speaking. 01:31

9 BY MS. WEAVER: 01:31

10 Q. K.P., this is what I'm asking. Let me 01:31

11 rephrase the question. 01:31

12 I'm not talking about users sharing data. 01:31

13 I'm talking about the apps providing data to 01:31

14 Facebook and Facebook providing data to the apps. 01:31

15 Are you aware of that kind of data 01:31

16 reciprocity occurring during 2012 through 2017? 01:31

17 MS. STEIN: Objection to form. 01:31

18 THE WITNESS: I think I'm trying to 01:31

19 respond to the question, but I don't know that's -- 01:31

20 maybe it's my fault; I'm not making myself clear. 01:31

21 People that -- people that log in with a 01:31

22 third-party app are making their Facebook data 01:31

23 available to a third-party app. And in response, a 01:31

24 third-party app can allow a user to publish back to 01:31

25 Facebook. That involves some sort of data setting 01:31

1 as well. If that's what you're referring to, then 01:31

2 the answer is yes. 01:31

3 BY MS. WEAVER: 01:31

4 Q. Did Facebook provide user data to the 01:31

5 apps? 01:31

6 A. To the extent that user log in with 01:32

7 Facebook, yes. 01:32

8 Q. Okay. And at some point did you hear of 01:32

9 anyone saying they wanted to let apps crawl 01:32

10 Facebook's APIs and access Facebook's data as long 01:32

11 as Facebook could call their APIs and crawl their 01:32

12 website and access their data? Were you aware of 01:32

13 that occurring? 01:32

14 MS. STEIN: Objection to form. 01:32

15 THE WITNESS: I think the way it was 01:32

16 stated is fundamentally wrong because there's no way 01:32

17 you can crawl an API. 01:32

18 BY MS. WEAVER: 01:32

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 01:32

22 MS. STEIN: Objection to form. 01:32

23 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

114

114

114

114

114

114

114

114

114

114

114

114

114

114

100

114

01 : 33

01.33

01 • 22

01.22

01 • 22

01:22

01 • 22

01 : 24

01.24



1 native iOS or Android app. 01:34

2 Q. And are you aware, then, of a custom 01:34

3 analytics -- well, are you aware of something called 01:34

4 Custom Events? 01:34

5 A. Yes, I'm aware. 01:34

6 Q. What is that? 01:34

7 A. And so Facebook provided a predetermined 01:34

8 list of events that any developer could use as an 01:34

9 off-the-shelf solution, events like an app in store, 01:34

10 events like app registration, things like that, 01:34

11 where -- predetermined list. I think there were 18 01:34

12 of them. 01:34

13 A custom app event is an event that an app 01:34

14 developer can create to track specific activity to 01:34

15 that app that is for that app and that app only. So 01:34

16 a custom event for a Nike app would be a run, which 01:34

17 is an event specific to this app. Or for Spotify it 01:34

18 would be a track to listen to which is specific to 01:34

19 Spotify. 01:34

20 Q. And then does Facebook use the information 01:35

21 it collects to provide analytics like aggregate its 01:35

22 statistics and insights for its advertisers and 01:35

23 third-party partners? 01:35

24 A. To the extent that -- sorry. 01:35

25 THE REPORTER: Was there an objection? 01:35

1 MS. STEIN: I said "Objection to form." 01:35

2 THE REPORTER: Thank you. 01:35

3 THE WITNESS: The purposes of us providing 01:35

4 this capability was to provide aggregated data back 01:35

5 to the third-party developers about usage patterns 01:35

6 on their apps. 01:35

7 BY MS. WEAVER: 01:35

8 Q. And -- strike that. 01:35

9 And did Facebook often obtain sensitive 01:35

10 data from app developers? 01:35

11 MS. STEIN: Objection to form. 01:35

12 THE WITNESS: It depends. What do you 01:35

13 mean by "sensitive data"? 01:35

14 BY MS. WEAVER: 01:35

15 Q. Did Facebook receive information about 01:35

16 diseases, medical conditions and injuries, or sexual 01:35

17 and reproductive health from apps? 01:36

18 A. By design, the app events, they do not 01:36

19 allow, you know, a third-party developer to be 01:36

20 passing that information. 01:36

21 Q. Okay. Well, I don't know what you mean by 01:36

22 "by design," but the question is pretty simple. 01:36

23 Is it your testimony today that Facebook 01:36

24 did not obtain data relating to diseases, medical 01:36

25 conditions and injuries, or sexual and reproductive 01:36

1 health from apps? 01:36

2 A. Well, it's a very broad question, so I'm 01:36

3 trying to respond to the best of my ability. 01:36

4 So by design, access to that information 01:36

5 was not available. However, if the app developer 01:36

6 decided to tell us about an event that was a custom 01:36

7 event that may have disclosed some of that 01:36

8 information, we would have discussed it. 01:36

9 Q. As you sit here today, do you know whether 01:36

10 or not Facebook received data that related to 01:36

11 diseases, medical conditions and injuries, or sexual 01:37

12 and reproductive health? 01:37

13 A. There was an incident we had a year or two 01:37

14 ago with period tracker apps that were sending app 01:37

15 events, custom app events, around the cycle of a 01:37

16 certain user. If that's what you mean by this 01:37

17 category, then the answer is yes. 01:37

18 Q. Okay. And did those categories also 01:37

19 include mental health and psychological states, 01:37

20 types of medical devices and health trackers, 01:37

21 medical treatments, body specifications, bodily 01:37

22 activities and biological cycles, among other 01:37

23 things? 01:37

24 A. I don't know, but I don't think it's 01:37

25 possible to do that. 01:37

1 Q. Were you part of the team that 01:37  
2 investigated this? 01:37  
3 A. No. 01:37  
4 Q. Who was? 01:37  
5 A. I don't know. 01:37  
6 Q. Okay. When Facebook did receive the 01:37  
7 sensitive information such as diseases, medical 01:37  
8 conditions, injuries, sexual and reproductive 01:37  
9 health, did that -- where did that data go? 01:37  
10 MS. STEIN: Objection to form. 01:37  
11 THE WITNESS: You're making an assumption 01:38  
12 that we did receive. I only referred to a specific 01:38  
13 incident around period trackers. 01:38  
14 BY MS. WEAVER: 01:38  
15 Q. Okay. So in that instance, where did -- 01:38  
16 A. I can only respond to that. 01:38  
17 Q. Okay. In that instance, where did the 01:38  
18 data go? 01:38  
19 A. The data were aggregated and anonymized. 01:38  
20 Q. Okay. But Facebook still retains it then; 01:38  
21 is that right? 01:38  
22 A. No, since we have deleted the data. They 01:38  
23 shouldn't have arrived -- 01:38  
24 Q. How could you delete it if it was 01:38  
25 anonymized? 01:38

1 A. What do you mean? 01:38

2 Q. You just said "We deleted the data," but 01:38

3 you described that data as anonymized. So how did 01:38

4 you delete it if it was anonymized? How did you 01:38

5 identify which data to delete? 01:38

6 A. This is a technical question. But you can 01:38

7 imagine an app event that basically suggests period 01:38

8 start. It's somewhere locked, so I can -- not me 01:38

9 personally, but we can identify probably app events 01:38

10 that are associated with a specific action that 01:38

11 shouldn't have been recorded that we will then have 01:38

12 to delete. And we would work with the developer to 01:39

13 remove this kind of custom events from being sent. 01:39

14 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

21 Q. When was that data deleted? 01:39

22 A. I don't have an exact recollection of 01:39

23 that. 01:39

24 Q. Was it in 2018? 01:39

25 A. It may be 2018, 2019, around that time 01:39

1 frame. 01:39

2 Q. Who made the decision to delete it? 01:39

3 A. I don't know. I wasn't involved in this 01:39

4 investigation. 01:39

5 Q. Once that data is deleted can it be 01:39

6 recovered? 01:39

7 MS. STEIN: Objection. Outside the scope 01:39

8 of this witness's knowledge. 01:39

9 THE WITNESS: I don't know. 01:39

10 BY MS. WEAVER: 01:39

11 Q. But you knew that it was deleted; is that 01:40

12 right? 01:40

13 A. I know that's -- the data has been 01:40

14 deleted, yes. 01:40

15 Q. How did you come to know that? 01:40

16 A. Because I was part of the communications 01:40

17 to the developer audience about the specific 01:40

18 instance. 01:40

19 Q. And which developer are you thinking of? 01:40

20 A. There were a number of period tracker apps 01:40

21 that have to comply. 01:40

22 Q. Can you identify some of them? 01:40

23 A. Not at the top of my mind. 01:40

24 Q. Flow Health? 01:40

25 A. I don't recall that. 01:40

1 Q. How would you refresh your recollection? 01:40

2 A. I would have to look at the entire 01:40

3 universe of apps that have been in scope that have 01:40

4 been sending this kind of events. 01:40

5 Q. Why did Facebook delete the data? 01:40

6 A. Because that's not the kind of data 01:40

7 that's -- we want to have access to. 01:40

8 Q. Were any regulators involved? 01:40

9 A. For that, I don't know. 01:41

10 Q. Okay. When Facebook receives information 01:41

11 about an individual from an app, does Facebook 01:41

12 associate that information with other information 01:41

13 Facebook has collected about that individual through 01:41

14 the Facebook user ID? 01:41

15 MS. STEIN: Objection to form. 01:41

16 THE WITNESS: Again, depends what kind of 01:41

17 data we're talking about here. 01:41

18 BY MS. WEAVER: 01:41

19 Q. Let's say sensitive health data like 01:41

20 diseases, medical, injuries, sexual or reproductive 01:41

21 health. 01:41

22 A. If the data has been communicated to us 01:41

23 through app events, no. 01:41

24 Q. Okay. When is the answer yes? When does 01:41

25 it connect it to other users? 01:41

1	A. If the user basically establishes that	01:41
2	they are suffering from a certain disease and they	01:41
3	decide to post on Facebook and tell their friends	01:41
4	about it, then yes.	01:41

8 MS. STEIN: Objection to form. 01:42

12	BY MS. WEAVER:	01:42
----	----------------	-------

14	A. That audience will have access to that	01:42
15	data, but someone has to host the data in order to	01:42
16	be able to sell it to that audience, and we provide	01:42
17	the service.	01:42

19 A. Sorry. We provide the service, so yes. 01:42

23	A. Are you talking broadly or about the	01:42
24	specific things?	01:42



1 MS. STEIN: Objection to form. 01:42

2 THE WITNESS: Like -- it's a very broad 01:42

3 question. So I would say that if we know that you 01:42

4 use -- if you play Candy Crush Saga 10 times a day, 01:42

5 that may inform our targeting for U.S. potential 01:42

6 audience for games of this same genre. 01:42

7 If we have expressed -- or if we establish 01:43

8 your affinity to Beyonce, again like I described 01:43

9 before, we would use that information to target you 01:43

10 with like R&B music. 01:43

11 BY MS. WEAVER: 01:43

12 Q. So let's talk about custom audiences for a 01:43

13 moment, though, please. 01:43

14 So if I posted to three friends that I had 01:43

15 a medical condition and Facebook collects that 01:43

16 information, does Facebook use that information to 01:43

17 create a custom audience for advertisers if they are 01:43

18 seeking something about a medical condition? 01:43

19 A. No, that's not how it works. 01:43

20 Q. Why doesn't it work that way? Why does it 01:43

21 only work for Beyonce but not a medical condition? 01:43

22 MS. STEIN: Objection to form. 01:43

23 THE WITNESS: Because a custom audience is 01:43

24 an advertisement product that reengages with 01:43

25 customers of an existing business. 01:43

1 BY MS. WEAVER: 01:43

2 Q. Right. I understand what it is. 01:43

3 So I'm a business and I come to Facebook 01:43

4 and I say "I want -- I want to target people with 01:43

5 this medical condition." Does Facebook provide 01:44

6 that -- that custom audience? 01:44

7 A. No, that's not how it works. If you 01:44

8 really want to use custom audience, you need to 01:44

9 provide with hashed email addresses or information 01:44

10 about the users that you have diagnosed to have 01:44

11 suffered from that disease. 01:44

12 Q. Could you repeat the last part of the 01:44

13 sentence? I just didn't understand. 01:44

14 A. So let's say you use a medical app for the 01:44

15 sake of the argument. 01:44

16 Q. Okay. 01:44

17 A. And you have a thousand users that went 01:44

18 through a questionnaire and they have been diagnosed 01:44

19 with, say, alcoholism. That's probably a bad 01:44

20 example because I don't think -- but, anyhow, let's 01:44

21 use that. 01:44

22 Then to the extent that you can identify 01:44

23 those users because they have created an account 01:44

24 with that medical app using their email address or 01:44

25 the phone number, you can upload the email addresses 01:44

1 of those thousand users hashed to us and then we are 01:44  
2 going to create the custom audience ad campaign 01:45  
3 trying to find those 1,000 users on Facebook. 01:45

4 To the extent that they exist, they will 01:45  
5 see an ad. But, again, the ad will compete with 01:45  
6 other ads, like we discussed before. But it will be 01:45  
7 a database provided by the third party hashed, so 01:45  
8 anonymized with specific people that have been 01:45  
9 diagnosed to suffer from a certain disease. 01:45

10 Q. Okay. Let's talk for a moment about APIs. 01:45  
11 We touched upon them this morning. Do you recall 01:45  
12 that? 01:45

13 A. Yes. 01:45

14 Q. You're aware at some point that -- well, 01:45  
15 there was more than one version of Graph API over 01:45  
16 time; is that right? 01:45

17 A. Yes, Version 1 of the API, it's being -- 01:45  
18 running from 2008 or 2009 until 2000 -- May 1st, 01:45  
19 2015. 01:46

20 Q. It was accessible until April 2015 or 01:46  
21 May 2015? 01:46

22 A. I think it's May 1st, but it may be... 01:46

23 MS. WEAVER: You should amend your rog 01:46  
24 responses, Deb. 01:46

25 Q. And by "accessible," that means third 01:46

1 parties could access data through it; is that 01:46  
2 correct? 01:46  
3 A. Yes. 01:46  
4 Q. Okay. And then Graph API Version 2 came 01:46  
5 into being at some point; is that right? 01:46  
6 A. Graph API V2 was launched on April 30, 01:46  
7 2014. 01:46  
8 Q. Okay. And it was accessible until 01:46  
9 May 2020; is that right? 01:46  
10 A. The Version 2? I'm sorry. 01:46  
11 Q. Version 2, yeah. 01:46  
12 A. Are you talking about Version 2? 01:46  
13 Q. Yes, Version 2 was accessible until 01:46  
14 May 2020; is that correct? 01:46  
15 A. I need to check because I don't know when 01:46  
16 the last version -- the last Version 2 of the API 01:47  
17 was final, approved. Because we have Version 3 01:47  
18 right now. 01:47  
19 Q. Okay. Right. And Version 3 came into 01:47  
20 effect May 2018; is that right? 01:47  
21 A. That seems about right. 01:47  
22 Q. Okay. And that was accessible -- it will 01:47  
23 be accessible through August 2021; is that correct? 01:47  
24 A. So let me take a step back to explain a 01:47  
25 little bit how the replacement process works because 01:47

1 I think that may be helpful. 01:47

2 An API is rolled out at a specific point 01:47

3 in time and the version of this API is successful 01:47

4 for the next 2-plus years. Each time we release a 01:47

5 new version of the API, that means that the previous 01:47

6 would be accessible for the period of time between 01:47

7 that plus-2 years. So the lifetime of the version 01:47

8 of the API would be 2-plus years, more or less two 01:47

9 to three months on top of the 2-year mark. 01:47

10 But we have versions that start from 2.0 01:47

11 to 2.1 all the way to 2.10 or 11, if I'm not 01:48

12 mistaken. And then we switch to Version 3. And 01:48

13 Version 3.0 will be available for 2-plus years, 01:48

14 Version 3.1 would be available for 2-plus years, so 01:48

15 on and so on. 01:48

16 Q. Understood. You're familiar with the 01:48

17 phrase "Public APIs"? 01:48

18 A. Yes. 01:48

19 Q. What is the difference between a public 01:48

20 API and a private API? 01:48

21 A. A public API is an API that is available 01:48

22 in general availability, meaning that the 01:48

23 third-party developer that wants to access this API 01:48

24 has to go through the process, we call it app 01:48

25 review, where the developer will specifically ask 01:48

1 for permission to access that API, and once 01:48

2 approved, will be able to access that API. 01:48

3 Q. When was the process of app review first 01:48

4 implemented? 01:48

5 A. The introduction of Version 2 of the API 01:48

6 coincided with the introduction of the app review 01:48

7 process. 01:49

8 Q. So April of 2015? 01:49

9 A. April 30, 2014. 01:49

10 Q. 2014? 01:49

11 A. Yes. 01:49

12 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 01:49

17 Q. Okay. And we discussed this before. But 01:49

18 what is a capability? 01:49

19 A. A capability is a way to provide access 01:49

20 control to a private API. 01:49

21 Q. And what is a permission? 01:49

22 A. A permission is a way to gain user's 01:49

23 consent for access to specific data points. 01:49

24 Q. Okay. And what was -- at a very high 01:49

25 level, what was the difference between Graph API 01:49

1 Versions 1.0 and 2.0? 01:50

2 A. At the very high level? 01:50

3 Q. Yes. 01:50

4 A. Access to friends' information was 01:50

5 deprecated with introduction of Version 2 of the 01:50

6 API. 01:50

7 Q. And what do you mean by "friends' 01:50

8 information was deprecated"? 01:50

9 A. And so in Version 1 of the API a user 01:50

10 could log in with a third-party app and allow access 01:50

11 to this app to their friends' photos or their 01:50

12 friends' birthdays, things like that. 01:50

13 With Version 2 of the API, this feature 01:50

14 was completely deprecated. So a user could only 01:50

15 allow a third-party app to have access to their own 01:50

16 birthday information and their own photos. 01:50

17 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

1 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] 01:51  
9 Q. What was Post-Search API? 01:51  
10 A. An API that allowed a third party to 01:51  
11 search for public posts on Facebook. 01:51  
12 Q. Did Post-Search API enable analytics via 01:51  
13 listening tracking mentions of keywords and hashtags 01:51  
14 over time? 01:51  
15 MS. STEIN: Objection to form. 01:51  
16 THE WITNESS: I want to understand a 01:52  
17 little bit better. Do you have a specific example 01:52  
18 in mind? 01:52  
19 BY MS. WEAVER: 01:52  
20 Q. I don't. I was just asking the question. 01:52  
21 MS. STEIN: Objection to form. 01:52  
22 THE WITNESS: I'm having hard time 01:52  
23 understanding what sort of analytics you are looking 01:52  
24 for. 01:52  
25 BY MS. WEAVER: 01:52

Page 199



1 Q. Do you know what sentiment analysis is? 01:52

2 A. Yes. 01:52

3 Q. What is it? 01:52

4 A. Normally brands do certain analysis to 01:52

5 understand how their brands are perceived in social 01:52

6 media. 01:52

7 Q. And so did Post-Search API enable 01:52

8 sentiment analysis? 01:52

9 A. I don't think that would be valuable, so 01:52

10 my answer is no. 01:52

11 Q. You're answering it didn't do that because 01:52

12 you don't think it would be valuable? 01:52

13 MS. STEIN: Objection. Argumentative. 01:52

14 BY MS. WEAVER: 01:52

15 Q. I don't understand the answer. 01:52

16 A. Post-Search on account of public posts. 01:52

17 And those are not necessarily posts that a brand 01:52

18 would use to inform or to understand the sentiment 01:52

19 of people against that brand. 01:53

20 Q. Okay. So your testimony is that 01:53

21 Post-Search API did not allow sentiment analysis or 01:53

22 enable sentiment analysis? 01:53

23 A. I'm saying that the public posts may not 01:53

24 be relevant for a brand to establish sentiment 01:53

25 analysis. 01:53

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. Did Facebook deprecate Post-Search API? 01:53

2 A. Yes. 01:53

3 MS. STEIN: Objection. Outside the scope. 01:53

4 THE WITNESS: Yes, we did. 01:53

5 BY MS. WEAVER: 01:53

6 [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED]

15 Q. So during the transition period from Graph 01:53

16 API Version 1.0 to 2.0, did Facebook inform certain 01:53

17 third parties that they would no longer access 01:54

18 friends' data? 01:54

19 MS. STEIN: Objection to form. And 01:54

20 objection to scope. 01:54

21 This witness is not our corporate designee 01:54

22 on communications with third parties. He's the 01:54

23 designee on the topic ordered by Judge Corley. So 01:54

24 he's not authorized to testify about communications 01:54

25 that you are asking him about. 01:54

Page 201

1 MS. WEAVER: I don't think you understand. 01:54  
2 This is what data was shared with third parties. 01:54  
3 Are you declining to allow the witness to testify 01:54  
4 what was shared with third parties? 01:54  
5 MS. STEIN: You're asking him about 01:54  
6 communications with developers. Do you want -- 01:54  
7 MS. WEAVER: No, I'm not. I'm asking 01:54  
8 about what was -- I'm leading into what data was 01:54  
9 shared with whitelisted third parties and others. 01:54  
10 Are you going to impede -- continue to 01:54  
11 impede this deposition? 01:54  
12 MS. STEIN: Okay. First of all, I'm not 01:54  
13 impeding. Second of all, that's not what you asked. 01:54  
14 So if you'd like to ask what got shared with 01:54  
15 whitelisted apps -- 01:54  
16 MS. WEAVER: Would you please read back my 01:54  
17 question. 01:54  
18 (The record was read by the 01:55  
19 court reporter, as requested) 01:55  
20 BY MS. WEAVER: 01:55  
21 Q. Please answer. 01:55  
22 A. So on April 30, 2014, we hold our annual 01:55  
23 conference called F8, and that's when we announced 01:55  
24 introduction of Version 2 of the API. So the 01:55  
25 communications were broad about the deprecation of 01:55

1 the Version 1 of the API and the deprecation of 01:55  
2 access to any of the friends' data. 01:55  
3 Q. And so some third parties were allowed to 01:55  
4 continue to access friends' data while others were 01:55  
5 not; is that correct? 01:55  
6 A. After the deprecation of the Version 1 of 01:55  
7 the API, the only integrations that maintain their 01:55  
8 access to friends' data were device integrations. 01:55  
9 Q. And what is the phrase "whitelisting"? 01:55  
10 A. I would decline the opportunity to lecture 01:56  
11 as on the use of white or blacklists right now, but 01:56  
12 I would use the term "allow lists" for the purposes 01:56  
13 of being politically correct from now on. 01:56  
14 You can use whatever term you would use, 01:56  
15 but I will use the term "allow lists" to refer to 01:56  
16 anything that you may use the term "whitelist." 01:56  
17 Q. Okay. During the time period 2012 to 01:56  
18 2017, did Facebook use the term "whitelist"? 01:56  
19 A. Yes. 01:56  
20 Q. Did you? 01:56  
21 A. Yes. 01:56  
22 Q. Okay. And you said that Facebook only 01:56  
23 whitelisted integration partners a moment ago, 01:56  
24 didn't you? 01:56  
25 A. I didn't use that term in relation to 01:56

1 device integrations. 01:56

2 Q. Okay. 01:56

3 A. We can read back my statement, but I'm 01:56

4 pretty certain that I said the only integrations 01:56

5 that could access to friends' information were 01:56

6 device integrations. 01:56

7 Q. Okay. Was Oracle a device integrator? 01:56

8 A. I don't think so. 01:57

9 Q. Was Salesforce? 01:57

10 A. I don't think so. 01:57

11 Q. Did Facebook whitelist Oracle and 01:57

12 Salesforce? 01:57

13 A. If they have ever whitelisted Salesforce 01:57

14 and Oracle, is that the question? 01:57

15 Q. Did they at the time period that we're 01:57

16 talking about whitelist Oracle and Salesforce? 01:57

17 MS. STEIN: Lesley, this is out of scope. 01:57

18 This deposition -- 01:57

19 MS. WEAVER: It's not. I'm trying to 01:57

20 understand what companies had access to user data. 01:57

21 MS. STEIN: No, friends of friends' data. 01:57

22 MS. WEAVER: No. 01:57

23 MS. STEIN: It's Salesforce -- stop. This 01:57

24 deposition -- 01:57

25 MS. WEAVER: You can instruct him -- you 01:57

1 can instruct him not to answer or object to form, or 01:57  
2 we can call Judge Corley. 01:57  
3 MS. STEIN: We can call Judge Corley if 01:57  
4 you want because you're asking merits questions. 01:57  
5 This deposition is supposed to be about what data 01:57  
6 Facebook collected and which of that data was 01:57  
7 accessible or shareable, and so far -- 01:57  
8 MS. WEAVER: Exactly. Maybe you don't 01:58  
9 understand, Deb, but this goes to the heart of 01:58  
10 whether Salesforce and Oracle were receiving 01:58  
11 friends' data and when. That is what I am trying to 01:58  
12 figure out. 01:58  
13 MS. STEIN: No, that's not what -- that is 01:58  
14 not what this deposition is about. This witness is 01:58  
15 not testifying about specific apps. 01:58  
16 He's talking about what types and 01:58  
17 categories of data got collected and what could have 01:58  
18 been -- could have been accessed or shared, right? 01:58  
19 This is supposed to be high level, not about, you 01:58  
20 know, who did what when. 01:58  
21 MS. WEAVER: Are you done? 01:58  
22 MS. STEIN: Yes. 01:58  
23 BY MS. WEAVER: 01:58  
24 Q. Is Salesforce a device integrator? 01:58  
25 A. It's not. 01:58

1 Q. Thank you. 01:58

2 So your testimony that only device 01:58

3 integrators were whitelisted would not include 01:58

4 Salesforce or Oracle, would it? 01:58

5 MS. STEIN: Objection to form. 01:58

6 THE WITNESS: I think your use of the term 01:58

7 "whitelist" in relation to user data is problematic 01:58

8 here. I'm not trying to criticize you. I'm trying 01:58

9 to understand exactly what you mean. Because 01:59

10 whitelist is an access control or an allow list to 01:59

11 an API. That API doesn't necessarily need to allow 01:59

12 access to user data. It may be pages data. Your 01:59

13 assumption is that -- 01:59

14 THE REPORTER: It may be what data? 01:59

15 THE WITNESS: Pages data. 01:59

16 MS. WEAVER: Okay. So let's move on. The 01:59

17 documents will speak for themselves. We can move 01:59

18 on. 01:59

19 THE WITNESS: No, I want to continue my 01:59

20 response if that's okay, because I want to make sure 01:59

21 that it's covered. I have the -- 01:59

22 BY MS. WEAVER: 01:59

23 Q. I don't think what you're saying is 01:59

24 accurate, and I'd like to just move on, if you don't 01:59

25 mind. 01:59

1           A.    I have reasons to believe that my response           01:59  
2           is 100 percent accurate.           01:59  
3           Q.    Okay.   I understand.           01:59  
4                   Were there third parties who were using           01:59  
5           friends' data for research also whitelisted?           01:59  
6                   MS. STEIN:   If the witness has something           01:59  
7           that he needs to clarify now, we should do that now.           01:59  
8           I'm sure Judge Corley would want his testimony to be           01:59  
9           clarified in something that he's comfortable with.           01:59  
10          BY MS. WEAVER:           01:59  
11          Q.    What would you like to add?           01:59  
12                   MS. STEIN:   If there's a clarification you           02:00  
13           need to make, let's make sure we have a clear           02:00  
14           record.           02:00  
15                   THE WITNESS:   Yes.   So I would like to           02:00  
16           suggest that there are three -- three things that           02:00  
17           are -- is worth clarifying here.           02:00  
18                   We have the data.   We have APIs that allow           02:00  
19           access to the data.   And then we have access           02:00  
20           controls to that data.   Right?   What you're talking           02:00  
21           about here is the allow list also known as           02:00  
22           whitelist.           02:00  
23                   That is very broad because it --           02:00  
24          BY MS. WEAVER:           02:00  
25          Q.    I was talking about friends' permissions,           02:00



1 right? 02:00

2 A. Yes, but to the extent that the allow list 02:00

3 you're talking about are for APIs that are not 02:00

4 exposing this kind of data, then I would argue that 02:00

5 the question about Salesforce or Oracle is 02:00

6 irrelevant. 02:00

7 Q. Okay. You can argue that. 02:00

8 Back to my question. Were there -- other 02:00

9 third parties who were using friends' data for 02:00

10 research, were they also whitelisted? 02:00

11 MS. STEIN: Objection to form. 02:00

12 THE WITNESS: I have no recollection of 02:01

13 any other device integrations being access -- or 02:01

14 having access to friends' information beyond May 1, 02:01

15 2015. 02:01

16 BY MS. WEAVER: 02:01

17 Q. Right. But between the time when they 02:01

18 announced the transition and before 2015, were there 02:01

19 researchers who were whitelisted and given access to 02:01

20 friends' data? 02:01

21 A. They didn't need to be whitelisted because 02:01

22 that was also publically available through Version 1 02:01

23 of the API. 02:01

24 Q. Did that include Cambridge Analytica? 02:01

25 A. Cambridge Analytica was never a developer 02:01

Page 208

1 on the platform. 02:01

2 Q. Okay. But I was just asking about 02:01

3 researchers. Do you recall that? 02:01

4 A. If -- 02:01

5 Q. Let me ask the question again. So were 02:01

6 there certain third parties who were given friends' 02:01

7 data for research who were also whitelisted? 02:01

8 MS. STEIN: Objection to form. 02:01

9 THE WITNESS: Access to public APIs 02:01

10 doesn't come through a whitelist. The access 02:01

11 control that we use for access to public APIs is a 02:01

12 process called app review. 02:02

13 Now, back in 2014, before even the app 02:02

14 review was introduced, any third party could access 02:02

15 anything from the -- that was made available through 02:02

16 Version 1 of the API with the appropriate user's 02:02

17 consent. 02:02

18 There were a number of researchers, and I 02:02

19 think I can double-guess if -- the name of the 02:02

20 specific researcher that you have in mind that's 02:02

21 built an application on our platform on the Version 02:02

22 1 of the API, they requested and gained permission 02:02

23 from users to access their data and their friends' 02:02

24 data, and that's the end of it. 02:02

25

1 BY MS. WEAVER: 02:02

2 Q. Okay. Are you familiar with Crimson 02:02

3 Hexagon? 02:02

4 A. I have an understanding of the company but 02:02

5 nothing more than that. 02:02

6 Q. Do you know who does have information 02:02

7 about what Crimson Hexagon accessed? 02:02

8 A. No. 02:02

9 MS. STEIN: Objection to form. 02:02

10 BY MS. WEAVER: 02:02

11 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]



Veritext Legal Solutions  
866 299-5127

1 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] 02:04  
7 Q. Okay. What is Groups API? 02:04  
8 A. It's an API that allows third parties to 02:04  
9 help group administrators manage the groups from 02:04  
10 posting contents to moderating or allowing members 02:04  
11 to join the group and so on. 02:05  
12 Q. When was it launched? 02:05  
13 A. I don't remember the date it was launched. 02:05  
14 Q. Was it between 2012 to 2017? 02:05  
15 A. Most likely, yes. 02:05  
16 Q. And then it was -- does Groups API still 02:05  
17 exist? 02:05  
18 A. I think that the Groups API was fully 02:05  
19 deprecated in May 2018. 02:05  
20 Q. And you were part of that decision, right? 02:05  
21 A. Yes. 02:05  
22 Q. And why was it deprecated? 02:05  
23 A. So I can answer from my perspective why 02:05  
24 it's since been deprecated. 02:05  
25 MS. STEIN: If you don't know from the 02:05

1 company's perspective, then I'm going to direct the 02:05  
2 witness not to answer. 02:05  
3 MS. WEAVER: I'm sorry, you're going to 02:05  
4 have to be deposed again. 02:05  
5 Q. Do you have an understanding on behalf 02:05  
6 company as to why Groups API was deprecated? 02:05  
7 A. There are certain groups that are not 02:06  
8 public that want to make sure that third parties 02:06  
9 couldn't access its members. 02:06  
10 THE REPORTER: I'm sorry, "Make sure 02:06  
11 that"... 02:06  
12 THE WITNESS: -- third parties couldn't 02:06  
13 access its members. 02:06  
14 BY MS. WEAVER: 02:06  
15 Q. Okay. What is Live Video API? 02:06  
16 A. It's an API that allows a third party to 02:06  
17 broadcast live video on Facebook. 02:06  
18 Q. I'm sorry, I didn't hear that either. 02:06  
19 A. Sorry. It's an API -- I have changed my 02:06  
20 headset. 02:06  
21 Q. I know, I know. It's me. I'm kind of 02:06  
22 deaf. 02:06  
23 A. So it's an API that allows a third party 02:06  
24 to broadcast live video on Facebook. 02:06  
25 Q. Okay. And when did it first come into 02:06

1 being? 02:06

2 A. 2015, 2016, maybe. 02:06

3 Q. And what is an endpoint? 02:06

4 A. An endpoint in reference to an API? 02:06

5 Q. Uh-huh. 02:07

6 A. It's -- how should I explain it? 02:07

7 Q. I can try, but don't make fun of me. 02:07

8 A. Please. 02:07

9 Q. Is an endpoint an object that is accessed  
10 through an API? 02:07

11 A. I -- I don't know that the endpoint refers 02:07  
12 to the -- the object. It refers to, I think, the 02:07  
13 structure of the API. But it may be used in both 02:07  
14 ways. 02:07

15 Q. Okay. And then what is a data field with 02:07  
16 regard to API? 02:07

17 A. Okay. So let me try to explain maybe in a 02:07  
18 different way. 02:07

19 So there are objects and fields. 02:07

20 Q. Uh-huh. 02:07

21 A. So an object can be, let's say, the Crate 02:07  
22 & Barrel Facebook page. A field can be the picture 02:07  
23 that is being used on that page. 02:07

24 So when you make an API call against that 02:07  
25 object where you specify the object ID, you can add 02:07

1 perimeters in the API request about what is it the 02:08  
2 API needs to respond to. And you can respond that 02:08  
3 in the field section. You can specify that you want 02:08  
4 the name of the page potentially, the profile 02:08  
5 picture of the page, or you can specify if you want 02:08  
6 posts made against that page. 02:08

7 Q. Thank you. That's very helpful. 02:08

8 So is an object an endpoint in that 02:08  
9 description? Are those the same? 02:08

10 A. An endpoint from the API perspective, you 02:08  
11 know, the API that requests access to the page, 02:08  
12 there's just an API that requests access to, I don't 02:08  
13 know, a friends connection. That would be a 02:08  
14 different endpoint. 02:08

15 Q. I see. Okay. So are you aware of an 02:08  
16 endpoint Get Event ID Live Videos? 02:08

17 A. No. 02:08

18 Q. Okay. You prepared Facebook's 02:08  
19 interrogatory responses relating to capabilities and 02:09  
20 permissions, right? 02:09

21 MS. STEIN: Objection. Form. 02:09

22 BY MS. WEAVER: 02:09

23 Q. Was that you or was that someone else? 02:09

24 A. I'm supported the counsels in, you know, 02:09  
25 like this response, but I don't recall exactly 02:09



1       what's that. 02:09

2           Q.    I know.  I know.  And it's cute and you 02:09

3       worked very hard and we're grateful. 02:09

4           MS. STEIN:  I'll add I believe that was 02:09

5       the other individual who verified part of it. 02:09

6           MS. WEAVER:  Okay.  So we're going to have 02:09

7       talk to him.  So I'll try -- 02:09

8           Q.    So do you know -- let me just try this 02:09

9       then.  For the call Get Event ID Live Video, do you 02:09

10      know what it was seeking and what it obtained? 02:09

11      A.    I think it's associated with the live 02:09

12      event, most likely, the live video that is being 02:09

13      broadcast.  But I don't understand exactly the event 02:09

14      in connection with the live video. 02:09

15      Q.    Okay.  Do you know the difference between 02:10

16      "get" and "post"? 02:10

17      A.    Yes. 02:10

18      Q.    What's the difference? 02:10

19      A.    The one is a read and the other is a 02:10

20      write. 02:10

21      Q.    Okay.  And so do you know what Get User ID 02:10

22      Live Videos is? 02:10

23      A.    No, I don't -- I don't know the exact 02:10

24      endpoints. 02:10

25      Q.    Okay.  Do you know what Post User ID Live 02:10

1 Videos is? 02:10

2 A. I don't, no. 02:10

3 Q. Okay. Does Facebook know which third 02:10

4 parties had access to Live Video API? 02:10

5 A. Historically, yes. 02:10

6 Q. Okay. What's Pages API? 02:10

7 A. I think I used that example earlier, so it 02:10

8 may be repetitive. It's an API that allows and pays 02:11

9 administrator to manage the page with -- which may 02:11

10 includes -- manage the pages, which may include 02:11

11 posting content on the page, updating the profile 02:11

12 picture on the page, responding to comments made by 02:11

13 users on the page, and so on. 02:11

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 02:11

20 MS. STEIN: Objection to form. 02:11

21 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 02:12

25

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 BY MS. WEAVER: 02:12

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] 02:12

6 Q. Do you know who would? 02:12

7 A. No. 02:12

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] 02:12

13 Q. Do you know what DataSift is? 02:12

14 A. I have heard that name, but I don't know 02:12

15 about it. 02:12

16 [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED]

Page 218

[illegible]

25

02:15

02:15

02:15

02:15

02:15

02:15

02:15

02:15

02:15

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 Q. Okay. And when was the first private API 02:15  
2 launched? 02:15

3 A. I -- I honestly don't know. 02:15

4 Q. Was it like 2012 or 2014 or -- 02:16

5 A. I -- I believe that private APIs have 02:16  
6 always been there since the invention of Facebook. 02:16

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

Page 221

1

■

■

■

■

■

■

■

■

10

Q. Okay. Do you know if there's a private

02:17

11

API associated with it?

02:17

12

A. I don't.

02:17

13

Q. So when an API is providing, in response

02:17

14

to a call, an object like a photo, does that photo

02:17

15

also come with metadata?

02:17

16

A. Yes, it does.

02:17

17

Q. Okay. And what's an example of the kinds

02:17

18

of metadata that's attached?

02:17

19

A. The time-stamp of the photo, when it was,

02:17

20

you know, taken, when it was uploaded.

02:17

21

Q. And --

02:17

22

A. The location of the photo, if it was

02:17

23

started in the first place by the user, things like

02:17

24

that.

02:17

25

Q. Is there a metadata field for whether or

02:17

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 not a photo is -- was for a restricted audience 02:17

2 only, like public or private? 02:17

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 02:18

18 (The record was read by the 02:18

19 court reporter, as requested) 02:18

20 BY MS. WEAVER: 02:18

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Page 223



1 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:19  
5 Q. Okay. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:19  
10 A. Okay. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] right? 02:19  
12 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:19  
15 A. Okay. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED], right? 02:19  
17 Q. Yes. 02:19  
18 A. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:19  
21 Q. Right. 02:19  
22 A. Right? That's the scenario? 02:19  
23 Q. Right. 02:20  
24 A. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:20

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1

Q. Yes.

02:20

2

■

■

■

■

■

■

■

■

■

■

13

Q. Okay.

02:20

14

■

■

■

■

■

■

■

■

■

■

■

02:21

Page 225

1 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:21  
3 A. No. 02:21  
4 Q. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:21  
9 Q. Okay. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:22  
12 A. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:22  
16 Q. And when you say "signature," what do you 02:22  
17 mean? 02:22  
18 A. I mean that loosely, like it comes with 02:22  
19 some information that identifies the app -- 02:22  
20 Q. Okay. 02:22  
21 A. -- that makes that API request. 02:22  
22 Q. What were extended APIs? 02:22  
23 A. "Extended APIs" is a term we use to 02:22  
24 describe private APIs. 02:22  
25 Q. Okay. Makes sense. And then you're 02:22

1 familiar with the phrase "PMD"? 02:23

2 A. Yes. 02:23

3 Q. And what is that? 02:23

4 A. I think it stands for preferred marketing 02:23

5 development. 02:23

6 Q. And give me an example of a preferred 02:23

7 marketing developer. 02:23

8 A. I think Salesforce may be one of them. 02:23

9 Q. So is that a kind of partner? 02:23

10 A. Yes, it would be partners mostly having 02:23

11 access to marketing APIs. That's why it's called 02:23

12 preferred marketing developers, because of their 02:23

13 access to the marketing APIs. 02:23

14 Q. What's a marketing API? 02:23

15 A. APIs that allow a third party to run at 02:23

16 (indecipherable). 02:23

17 Q. And how is that different than custom 02:23

18 audience? 02:23

19 A. Custom audience is a feature that is 02:23

20 accessible through the market behavior. 02:23

21 Q. Okay. What other features are available 02:23

22 on marketing APIs other than custom audience? 02:23

23 A. So this is not necessarily my expertise, 02:23

24 so I may be missing certain things. But the 02:23

25 marketing API allows you to schedule a marketing 02:24

1 campaign on Facebook the way you would otherwise do 02:24  
2 it if you were going to facebook.com and doing it on 02:24  
3 the platform. 02:24  
4 MS. STEIN: Hey, Lesley, when you get to a 02:24  
5 good break point, can we take a short break? 02:24  
6 MS. WEAVER: I think it's time to take a 02:24  
7 break now, if that's what's popular and democratic. 02:24  
8 We can reconvene in ten minutes or so. 02:24  
9 THE VIDEOGRAPHER: We are off the record 02:24  
10 at 2:24 p.m. 02:24  
11 (Recess.) 02:24  
12 (Off record: 2:24 p.m.) 02:24  
13 (On record: 2:37 p.m.) 02:24  
14 THE VIDEOGRAPHER: We are on the record at 02:37  
15 2:37 p.m. 02:37  
16 BY MS. WEAVER: 02:37  
17 Q. You understand you're still under oath? 02:37  
18 A. Yes, I do. 02:38  
19 Q. Okay. Thank you. 02:38  
20 Who -- how were decisions made about what 02:38  
21 third parties had access to data through private 02:38  
22 APIs? 02:38  
23 MS. STEIN: That's outside the scope of 02:38  
24 about how decisions were made, but if you want to 02:38  
25 ask, you know, who had access, that's fine. 02:38

Page 229

Page 230

1 A. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:41  
4 Q. How about [REDACTED] or [REDACTED] 02:41  
5 A. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:41  
7 Q. I'm asking, who were the product managers 02:41  
8 who were in charge of them? Who decided whether or 02:41  
9 not they would be whitelisted? 02:41  
10 A. The product managers are in charge of an 02:41  
11 API. So it's product manager that owns every one of 02:41  
12 those APIs, and the question, would he have been 02:41  
13 part of the decision-making. But it's not the 02:41  
14 single product manager that would be responsible for 02:41  
15 allowing access to Salesforce. 02:41  
16 Q. Can you identify a single person by name 02:41  
17 who was involved in decision-making around which 02:41  
18 third parties would get extended permissions during 02:42  
19 2012 to 2017? 02:42  
20 A. So what do you mean by extended 02:42  
21 permissions? 02:42  
22 Q. Private APIs. 02:42  
23 A. Again, the number of private APIs is 02:42  
24 significant for a single person to have been 02:42  
25 involved. 02:42



1 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 02:42  
5 Q. Any name. 02:42  
6 A. I have been involved in some of that -- 02:42  
7 Q. Right. 02:42  
8 A. [REDACTED]  
[REDACTED]  
[REDACTED] 02:42  
11 Q. Was it so hard for you to come up with 02:42  
12 your own name? 02:42  
13 A. See, it's confusing when you're dropping a 02:42  
14 lot of different things in one sentence. 02:42  
15 Q. Okay. [REDACTED]  
[REDACTED]  
[REDACTED] 02:42  
18 A. Again -- 02:42  
19 MS. STEIN: Objection. Lesley, can we 02:43  
20 please focus on the topics that Judge Corley ordered 02:43  
21 this deposition to be about? It is not about who 02:43  
22 did what when. He's not the person most 02:43  
23 knowledgeable on these issues. He's here to testify 02:43  
24 about what data gets collected by Facebook during 02:43  
25 2012 and 2017, what they had, and what could be 02:43

1 shared or accessed by third parties. 02:43  
2 BY MS. WEAVER: 02:43  
3 Q. Are you declining to identify even one 02:43  
4 name other than your own? 02:43  
5 MS. STEIN: Asked and answered. He gave 02:43  
6 you a name. You asked for one name. 02:43  
7 MS. WEAVER: Deb, I'm not asking -- 02:43  
8 MS. STEIN: He gave it to you. 02:43  
9 MS. WEAVER: I can -- we can all read the 02:43  
10 transcript. I'm asking the witness. 02:43  
11 Q. Can you identify one name other than your 02:43  
12 own who was involved in deciding what third parties 02:43  
13 had access to users' data during the time period 02:43  
14 2012 - 2017 through private APIs? 02:43  
15 A. User data and private APIs. Not 02:43  
16 salesperson. 02:43  
17 Q. Okay. 02:43  
18 A. I'm trying -- I'm just trying to 02:43  
19 understand what you're looking for. 02:43  
20 MS. WEAVER: Will you read the question 02:44  
21 back, please? 02:44  
22 (The record was read by the 02:44  
23 court reporter, as requested) 02:44  
24 THE WITNESS: I cannot remember anybody 02:44  
25 but myself at this point to give you answer to those 02:44

1 question. 02:44

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] 02:45

15 Q. Okay. And we discussed briefly before 02:45

16 that friends permissions were deprecated. Do you 02:45

17 recall that? 02:45

18 A. Yes. 02:45

19 Q. Roughly how many capabilities were related 02:45

20 to friends permissions that were deprecated? 02:45

21 A. Okay. This is the question that I need 02:45

22 clarification. What was deprecated was the access 02:45

23 to friends permission -- sorry -- friends data 02:45

24 through the API. As a consequence of the API being 02:45

25 deprecated, friends-related permissions were 02:45

1 deprecated as well, meaning that there was no point 02:45  
2 in us allowing a user to go through a consent flow 02:45  
3 for pieces of information that were no longer 02:45  
4 available, right? 02:46

5 Capabilities that gave access to the same 02:46  
6 data through private APIs were not deprecated until 02:46  
7 later on in 2018 because it was the same 02:46  
8 capabilities that enabled device integrations to 02:46  
9 have access to that data for the purposes of 02:46  
10 replicating core Facebook functionality. 02:46

11 THE REPORTER: I'm sorry. Core Facebook? 02:46

12 THE WITNESS: Functionality. 02:46

13 THE REPORTER: Thank you. 02:46

14 BY MS. WEAVER: 02:46

15 Q. So is it true that certain friends 02:46  
16 capabilities like friends about me, friends actions, 02:46  
17 friends check-ins, friends online presence, friends 02:46  
18 photo video tags were deprecated when friends 02:46  
19 permissions were deprecated? 02:46

20 A. So I think what you're referring to is 02:46  
21 capabilities. And I think I answered that question, 02:46  
22 that those capabilities had to be there because they 02:46  
23 gated access to the corresponding APIs that powered 02:47  
24 device integrations. And that doesn't happen until 02:47  
25 late -- later on in 2018. 02:47

1 Q. Okay. So those capabilities were not 02:47  
2 deprecated, the ones I just listed? 02:47  
3 A. I'm not aware of the specifics, but they 02:47  
4 seem to be capabilities related to device 02:47  
5 integrations. And, as such, they -- they -- they 02:47  
6 wouldn't be deprecated before 2018. 02:47  
7 Q. Who would know about what was deprecated 02:47  
8 with regard to friends permissions? 02:47  
9 A. With regards to friends permissions, I 02:47  
10 think I -- 02:47  
11 Q. The issue that we're discussing right now, 02:47  
12 you're saying -- 02:47  
13 A. I'm -- 02:47  
14 Q. I'm sorry, just allow me to -- allow me to 02:47  
15 ask the question. 02:47  
16 The very issue we're discussing right now, 02:47  
17 you just said you don't know specifically. Who 02:47  
18 would? 02:47  
19 A. I think you're using different terms in 02:47  
20 places that are very confusing. Like I said, 02:47  
21 friends permissions were deprecated by May 1, 2015. 02:47  
22 APIs that were attached to those permissions have 02:48  
23 deprecated down at the same time. Capabilities 02:48  
24 which are -- are access controls to private APIs 02:48  
25 that expose similar information were not deprecated 02:48

1 until 2018. 02:48

2 Q. Okay. Thank you. I understand. 02:48

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] 02:48

6 MS. STEIN: Objection to form. 02:48

7 THE WITNESS: [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] 02:48

11 BY MS. WEAVER: 02:48

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] 02:48

15 Who is knowledgeable on that topic? 02:48

16 MS. STEIN: Okay. Lesley, this deposition 02:48

17 is not about that subject. 02:48

18 BY MS. WEAVER: 02:49

19 Q. Are you refusing to provide a name? 02:49

20 A. Look, I think that you -- what you're 02:49

21 asking is not really what you intend to ask. That's 02:49

22 why I'm really confused. Because the question you 02:49

23 ask me is very different from the specification you 02:49

24 provide to my counsel. 02:49

25 So can we actually be a little bit more 02:49

1 precise? What you're asking is who can tell me? 02:49  
2 The developer docs can tell you. That's the answer. 02:49  
3 You don't need to reference a single human to 02:49  
4 actually give you the -- the truth. Because the 02:49  
5 developer docs and the change log there is the 02:49  
6 source of truth. 02:49  
7 Q. Who created the developer docs and the 02:49  
8 change logs? 02:49  
9 A. They are automatically generated by the 02:49  
10 code. 02:49  
11 Q. Who created the code? 02:49  
12 A. An engineer. 02:49  
13 Q. Do you know who the engineers are who 02:49  
14 created the code? 02:49  
15 A. It's probably not a single engineer that 02:49  
16 created that code. 02:49  
17 Q. Can you name one name? 02:49  
18 A. I don't remember a specific name of an 02:49  
19 engineer. 02:49  
20 Q. Do you know whether or not auto granted 02:50  
21 friends videos was deprecated? 02:50  
22 A. No, I don't remember the exact date. 02:50  
23 Q. Who would know? 02:50  
24 A. I really cannot tell you who would know. 02:50  
25 Q. Is that in the developer pages? 02:50

Page 238

1 A. Private APIs are not documented in the 02:50

2 developer pages. 02:50

3 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]



[illegible]

1 Q. Yes. 02:52

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] 02:53

9 A. I can see it, yes. 02:53

10 Q. Okay. Can you pull it up? 02:53

11 A. Yes. 02:53

12 Q. And I'm just going to ask you about a 02:53

13 question there on the front page, but take your 02:53

14 time. 02:53

15 (Pause while witness peruses document.) 02:54

16 A. Okay. 02:54

17 Q. Do you recognize Exhibit 4? 02:54

18 A. Yes. 02:54

19 Q. What is it? 02:54

20 A. It's an email exchange between myself and 02:54

21 four or five other people. 02:54

22 Q. That includes Simon Cross; is that 02:54

23 correct? 02:54

24 A. That's correct. 02:54

25 Q. And the underlying email looks like he 02:54

1 sent an email around January 29, 2015, to Steven 02:54  
2 Elia; is that right? 02:54  
3 A. Let me see. I have to go back. 02:54  
4 Q. Just look at the top of the page there. 02:54  
5 A. I think it's under chronological, the way 02:54  
6 you look at it. So the first thing, I'm looking 02:54  
7 there at the bottom of the exhibit. 02:54  
8 (Pause while witness peruses document.) 02:54  
9 A. Sorry, what -- how can I -- 02:54  
10 Q. Okay. What does this document reflect? 02:54  
11 Let me ask you a different question. 02:55  
12 MS. STEIN: Form. 02:55  
13 BY MS. WEAVER: 02:55  
14 Q. Do you see where it says "Recent Activity" 02:55  
15 and then it has a number there at the top of the 02:55  
16 email? 02:55  
17 A. Yes. 02:55  
18 Q. What does that refer to, in general? 02:55  
19 A. I think that's a task number. 02:55  
20 Q. Okay. What is a task number? 02:55  
21 A. So we used a tool that is called the task 02:55  
22 monitor to track progress against specific things 02:55  
23 that need to happen. 02:55  
24 Q. Okay. 02:55  
25 A. It's a program management tool of some 02:55

1	sort.	02:55
2	Q. Thank you.	02:55
3	And just looking right at the very first	02:55
4	message under "Task Description," do you see it says	02:55
5	"Title," and then underneath that "Assigned to Eddie	02:55
6	O'Neil"?	02:55
7	A. Yes.	02:55
8	Q. And then do you see there it says	02:55
9	"Creator" and then your name?	02:56
10	A. Yes.	02:56
11	Q. What does that mean?	02:56
12	A. Who has initiated the -- the task, that	02:56
13	would be the creator, and who the task is assigned	02:56
14	to is the person that has the obligation to complete	02:56
15	the task.	02:56
16	Q. Okay. And then when it says	02:56
17	"Description," there's a description. Do you see	02:56
18	that?	02:56
19	A. Yes.	02:56
20	Q. And is that a description that you wrote?	02:56
21	A. Yes.	02:56
22	Q. Okay. And so you wrote [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	02:56
25	Do you see that?	02:56

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	A.	Yes.	02:56
2	Q.	And you wrote [REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]	02:56
5		Do you see that?	02:56
6	A.	Yes.	02:56
7	Q.	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]	02:56
10	Q.	Okay. And then do you see the next	02:56
11	sentence,	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]	02:57
15		Do you see that?	02:57
16	A.	Yes.	02:57
17	Q.	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]	02:57
19	A.	I don't remember exactly what we did for	02:57
20	[REDACTED]	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]	02:57
22	Q.	Okay. [REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]	02:57
24	A.	Yes. I believe I already answer that	02:57
25	question.		02:57

Page 244

Page 245

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]
6	[REDACTED]	02:59
7	A. Yes.	02:59
8	Q. [REDACTED]	02:59
9	A. No.	02:59
10	Q. [REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]
15	[REDACTED]	02:59
16	A. Possibly, but I don't know.	02:59
17	Q. Okay. [REDACTED]	[REDACTED]
18	[REDACTED]	02:59
19	A. No.	02:59
20	Q. [REDACTED]	02:59
21	A. No.	02:59
22	Q. [REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]
25	[REDACTED]	03:00

Page 246

1	Q. Do you have an understanding as to whether	03:00
2	it [REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]
9	[REDACTED]	03:00
10	A. Could you repeat that description?	03:00
11	Q. Sure, sure.	03:00
12	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]
14	[REDACTED]	03:00
15	A. Okay. I don't know that's --	03:00
16	Q. I'll try it this way.	03:01
17	A. I don't know that.	03:01
18	Q. A [REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]
21	[REDACTED]	03:01
22	A. I mean, I understand --	03:01
23	MS. STEIN: Objection to form.	03:01
24	THE WITNESS: Sorry.	03:01
25	MS. STEIN: Objection to form.	03:01



HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 THE WITNESS: I [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] 03:01  
5 BY MS. WEAVER: 03:01  
6 Q. [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] 03:01  
10 A. I don't know either. 03:01  
11 Q. [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] 03:02  
14 MS. STEIN: Objection to form. 03:02  
15 THE WITNESS: I don't know. 03:02  
16 BY MS. WEAVER: 03:02  
17 Q. [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] 03:02  
20 Q. Of the what? 03:02  
21 THE REPORTER: I'm sorry. [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] 03:02  
24 BY MS. WEAVER: 03:02  
25 Q. And what specifically, [REDACTED] 03:02

Page 248

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	[REDACTED]	03:02
2	A. Okay. [REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	03:02
6	Q. Uh-huh.	03:02
7	A. [REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]
21	A. I don't remember.	03:03
22	Q. [REDACTED]	03:03
23	A. I don't remember.	03:03
24	Q. So [REDACTED]	[REDACTED]
25	[REDACTED] Do you remember that?	03:03

Page 249

1	A. Yes.	03:03
2	Q. So does Facebook use the data that it	03:03
3	collects about users to identify the interests that	03:03
4	they have?	03:04
5	A. Facebook identifies --	03:04
6	MS. STEIN: Object to form. Objection to	03:04
7	form.	03:04
8	THE WITNESS: So Facebook identifies the	03:04
9	interest based on the user's action on the platform.	03:04
10	I like (indecipherable). It's a way for us to	03:04
11	identify a user's interests.	03:04
12	BY MS. WEAVER:	03:04
13	Q. What -- Facebook also receives information	03:04
14	from other third parties like app developers and	03:04
15	data brokers and other partners, correct?	03:04
16	MS. STEIN: Objection to form.	03:04
17	THE WITNESS: I guess. But as we	03:04
18	discussed, the data that's -- is being given by	03:04
19	third parties may be anonymized, may not be user	03:04
20	data. So I cannot answer that question without --	03:04
21	BY MS. WEAVER:	03:04
22	Q. What -- what --	03:04
23	A. -- a little bit more specificity.	03:04
24	Q. Why does Facebook collect data from other	03:04
25	third parties?	03:04

1	A. Why?	03:04
2	Q. Yes.	03:04
3	A. For many reasons. For example, if you log	03:05
4	in with Facebook on a third-party app, there's no	03:05
5	way for us not to be able to provide that data.	03:05
6	It's part of the service.	03:05
7	Q. Okay. What's another reason?	03:05
8	A. For the purposes of allowing people to	03:05
9	express themselves using a third-party app. Again,	03:05
10	within 2020 -- sorry, 2012 and 2017, people could	03:05
11	post back to Facebook using a third-party app. That	03:05
12	is --	03:05
13	Q. Does Facebook use any of the information	03:05
14	it obtains from third parties to develop the	03:05
15	interest categories through which users are	03:05
16	targeted?	03:05
17	MS. STEIN: Objection to form.	03:05
18	THE WITNESS: I don't know.	03:05
19	BY MS. WEAVER:	03:05
20	Q. You don't know?	03:05
21	A. I don't think so.	03:05
22	Q. What's the basis of your saying "I don't	03:05
23	think so"?	03:05
24	A. Because, again, the question is very	03:06
25	broad. If you are talking about pixel data that are	03:06

1 provided by third parties, yes, that informs the ads 03:06  
2 targeting, but it doesn't form the interests. 03:06  
3 Q. Can you identify for a user what interest 03:06  
4 categories they have been placed in? 03:06  
5 A. Those categories that have been placed in, 03:06  
6 which I am not -- I'm not sure that I agree with 03:06  
7 that term -- would be identified for the user under 03:06  
8 their app -- sorry, under their Facebook settings in 03:06  
9 the DIY file. 03:06  
10 Q. And that DIY file, is it completely 03:06  
11 historical? So it will show me yesterday I was in 03:06  
12 this interest category and five days ago I was in 03:06  
13 this category? Or does it just list the categories 03:06  
14 in general? 03:06  
15 A. Just lists the categories in general. 03:06  
16 Q. And if I'm no longer in a category, does 03:06  
17 it list that category? 03:07  
18 A. No. 03:07  
19 Q. And the lists of interest change over 03:07  
20 time, then, right? 03:07  
21 A. It depends on how you use the platform. 03:07  
22 If you haven't used the platform for the last five 03:07  
23 years, probably not. 03:07  
24 Q. Okay. But let's just say it's you. When 03:07  
25 were you last on the platform? 03:07

1	A. I don't know. Maybe during the lunch	03:07
2	break.	03:07
3	Q. Okay. So do your interest categories	03:07
4	change over time?	03:07
5	MS. STEIN: We're talking about 2012 to	03:07
6	2017.	03:07
7	BY MS. WEAVER:	03:07
8	Q. Did your interest categories change	03:07
9	between 2012 and 2017?	03:07
10	A. I'm pretty certain that they had.	03:07
11	Q. Okay. And what causes them to change?	03:07
12	A. The thought that they may have taken	03:07
13	action against certain entities that I have	03:07
14	expressed an affinity about.	03:07
15	Q. Do they change at all based on information	03:07
16	Facebook learns about whether those interests are --	03:07
17	provide for effective ad placement?	03:08
18	A. I'm almost certain that I'm confused right	03:08
19	now. Can you repeat the question?	03:08
20	MS. WEAVER: Please read it back.	03:08
21	(The record was read by the	03:08
22	court reporter, as requested)	03:08
23	THE WITNESS: I'm still having a hard	03:08
24	time, but let me try to answer the question the way	03:08
25	I understand, all right?	03:08

1 Are those interests used to inform ad 03:08  
2 targeting criteria? The answer is yes. 03:08  
3 BY MS. WEAVER: 03:08  
4 Q. And Facebook provides analytic data to 03:08  
5 advertisers about how effective its advertisements 03:08  
6 are, correct? 03:08  
7 A. Facebook provides performance data to the 03:08  
8 advertisers, yes. 03:08  
9 Q. What is performance data? 03:08  
10 A. It's an aggregated list of data that 03:08  
11 suggests whether an ad has been viewed by certain 03:09  
12 number of people that have seen -- visited the 03:09  
13 third-party website or took an action on the 03:09  
14 third-party website. 03:09  
15 Q. And when you say "an ad," what do you 03:09  
16 mean? 03:09  
17 A. An ad is being defined as a story that 03:09  
18 shows up on your Facebook News Feed that is not 03:09  
19 necessarily generated by a friend or a page you 03:09  
20 follow but is sponsored by a third party. 03:09  
21 Q. So an ad could include something that 03:09  
22 wasn't -- well, strike that. 03:09  
23 So there's one category of ads that 03:09  
24 literally looks like an ad to the user, "Go buy 03:09  
25 these shoes"; is that correct? 03:09

Page 255



Page 256

1           A.    It's not something that the PM, or product           03:12  
2   manager, at Facebook or someone else will dictate.           03:12  
3   It's given by the user.           03:12  
4           Q.    And there are algorithms that are running           03:12  
5   on the page to identify these interests; is that           03:12  
6   correct?           03:12  
7           MS. STEIN:  Objection to form.           03:12  
8           THE WITNESS:  A page will have a certain,           03:12  
9   you know, like category associated with it.           03:12  
10   BY MS. WEAVER:           03:12  
11           Q.    What do you mean by "second category"?           03:12  
12           A.    A certain category.  So a page would be --           03:12  
13   a page of a singer or a page of an actor or a page           03:12  
14   of a hairdresser or a page of a retailer.  That's           03:12  
15   what derives the interest.           03:12  
16           Q.    And so there's a historical record over           03:12  
17   time of what I have been interested in the past and           03:12  
18   I'm interested in today; is that fair?           03:12  
19           MS. STEIN:  Objection to form.  Misstates           03:12  
20   his testimony.           03:12  
21           THE WITNESS:  The -- the interests are           03:12  
22   derived from your association with Facebook pages.           03:12  
23   If that list gets -- remain unchanged throughout the           03:13  
24   years, that would mean that the interests' graph is           03:13  
25   the same, exactly the same as it was back in the           03:13

Page 257

1 day. 03:13

2 If in that time period you have expanded 03:13

3 your affiliation by liking or interacting with more 03:13

4 pages or other entities that have, you know, 03:13

5 associated with certain interests, that will 03:13

6 obviously update your interests as well. 03:13

7 BY MS. WEAVER: 03:13

8 Q. Where is the interest graph maintained? 03:13

9 A. For a given user? 03:13

10 Q. Yes. 03:13

11 A. It lives in the DIY file. 03:13

12 Q. Facebook doesn't access the DIY file, 03:13

13 right? That's for users to access data? 03:13

14 A. Well, we provide the hosting of that file. 03:13

15 Q. Right. So where is the actual data that 03:13

16 is extracted through the DIY tool? Where is the 03:13

17 actual data in the interest graph maintained? 03:13

18 A. I'm not sure I understand the question. 03:13

19 Q. Okay. The DIY file is created through a 03:14

20 tool to face the users, right? 03:14

21 A. Yes. 03:14

22 Q. Okay. If I'm an advertiser and I'm -- 03:14

23 come to you and I say "I want to target people with 03:14

24 these interests," does Facebook go to the DIY tool? 03:14

25 A. To do a lookup, no, that's not how. 03:14

Page 258

Page 259

Page 260

1 Q. Why does Facebook allow advertisers to 03:16  
2 custom target advertising through the selection of 03:16  
3 interests? 03:17

4 MS. STEIN: Objection to form. Beyond the 03:17  
5 scope. 03:17

6 Are you really asking questions about 03:17  
7 targeting advertising? Like that directly, Lesley? 03:17  
8 I know you've done half the depo on it, but now you 03:17  
9 want to know why Facebook does targeted advertising? 03:17  
10 BY MS. WEAVER: 03:17

11 Q. Please answer the question. 03:17

12 A. Okay. So there are a couple of 03:17  
13 differentials here. 03:17

14 The first one is, how does advertisement 03:17  
15 work in the first place? So a business wants to 03:17  
16 advertise on platforms where they can get better 03:17  
17 ROI, better return on the investment for this 03:17  
18 advertisement. A lot of businesses still advertise 03:17  
19 on TV. 03:17

20 And let's use Super Bowl as an example 03:17  
21 because the audience that will attend Super Bowl is 03:17  
22 falling into the demographics of users that business 03:17  
23 is trying to attract. That's -- that's why, I 03:18  
24 guess, you see a lot of car manufacturers or junk 03:18  
25 foods being advertised during Super Bowl. Now, 03:18

1       that's one way of doing advertisement. It's mostly       03:18  
2       brand.       03:18  
3               THE REPORTER: It's mostly what? I'm       03:18  
4       sorry.       03:18  
5               THE WITNESS: Brand. Brand. Brand.       03:18  
6               A modern way of doing advertisement is by       03:18  
7       effective advertising in platforms that can provide       03:18  
8       a little bit more clarity and on the intent.       03:18  
9       Because in that scenario you have higher chances of       03:18  
10      having a better ROI for your marketing spend.       03:18  
11              Facebook provides granular way for       03:18  
12      advertisers to hit the right audiences because that       03:18  
13      is very effective way for businesses and, therefore,       03:18  
14      actually contributes to our business model very       03:18  
15      effectively. But at the same time we truly believe       03:18  
16      that relevant ads have the opportunity to build a       03:18  
17      better product experience for the users as well.       03:18  
18              I can give you from my personal point of       03:19  
19      view my perspective of using Facebook and Instagram       03:19  
20      and all our products have become definitely better       03:19  
21      when the ads that I could see on those products are       03:19  
22      more relevant to me.       03:19  
23      BY MS. WEAVER:       03:19  
24              Q. Do you believe that most users join       03:19  
25      Facebook because they want to receive ads?       03:19

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 MS. STEIN: Objection to form. Lacks 03:19

2 foundation. Beyond the scope. 03:19

3 THE WITNESS: It's really hard for me to 03:19

4 understand or be able to identify the intention of 03:19

5 2.8 billion people. 03:19

6 BY MS. WEAVER: 03:19

7 [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] 03:19

10 MS. STEIN: Objection to form. 03:19

11 Argumentative. 03:19

12 THE WITNESS: [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] 03:19

15 BY MS. WEAVER: 03:19

16 [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED]

Page 263



HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

■

22

23

24

25

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. WEAVER: Okay. Why don't we take a

little break and I'll mark a few things. I don't

think we'll be going that much longer. Hold on just

a little longer.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

03:21

03:21

03:21

03:21

03:21

Page 264

1 We can go off the record. 03:21

2 THE VIDEOGRAPHER: We are off the record 03:21

3 at 3:21 p.m. 03:21

4 (Recess.) 03:34

5 (Off record: 3:21 p.m.) 03:34

6 (On record: 3:34 p.m.) 03:34

7 THE VIDEOGRAPHER: We are on the record at 03:34

8 3:34 p.m. 03:34

9 BY MS. WEAVER: 03:34

10 Q. You understand you're still under oath? 03:34

11 A. Yes, I do. 03:34

12 Q. Okay. So were you involved in collecting 03:34

13 or looking for documents that Facebook possesses 03:34

14 relating to the plaintiffs in this action? 03:34

15 A. No. 03:34

16 Q. Okay. Do you know what Facebook did to 03:34

17 collect documents relating to the plaintiffs in this 03:34

18 action? 03:34

19 A. My understanding is that we made available 03:34

20 the DYI file for each of the plaintiffs. 03:34

21 MS. WEAVER: Okay. We'll mark Plaintiffs' 03:34

22 5 and 6, two Excel spreadsheets that were provided 03:34

23 us by Facebook's counsel. This may take a second. 03:34

24 (Exhibit 5 was marked for 03:34

25 identification and attached.) 03:34

1 (Exhibit 6 was marked for 03:34  
2 identification and attached 03:34  
3 hereto.) 03:34  
4 THE WITNESS: Do you want me to do 03:34  
5 anything? 03:35  
6 BY MS. WEAVER: 03:35  
7 Q. Yes, will you pull them up? 03:35  
8 A. Shall we start with 5? 03:35  
9 Q. Sure. Take a look at both Exhibits 5 and 03:35  
10 6 and tell me if you've seen them before. 03:35  
11 A. I'm just trying to understand what is the 03:35  
12 file I'm looking at. 03:35  
13 (Pause while witness peruses document.) 03:35  
14 A. Okay. Can I look at 6? 03:35  
15 Q. Please do. 03:36  
16 (Pause while witness peruses document.) 03:36  
17 A. Okay. 03:36  
18 Q. Have you seen these documents before? 03:36  
19 A. No, I haven't. 03:36  
20 Q. Okay. Do you -- are you aware of Facebook 03:36  
21 searching Hive databases to obtain documents 03:36  
22 relating to the plaintiffs in this case? 03:36  
23 MS. STEIN: Objection to form. 03:36  
24 THE WITNESS: I don't know how to respond 03:36  
25 to that question. Are you talking about Hive 03:36

Page 266

1 specifically? 03:36

2 BY MS. WEAVER: 03:36

3 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

14 Q. Okay. Do you know why -- I guess if you 03:37

15 don't know anything about that, I guess we'll just 03:37

16 have to come back. 03:37

17 MS. WEAVER: I think we need to go off the 03:37

18 record again. We'll be back. We're off the record. 03:37

19 THE VIDEOGRAPHER: We are off the record 03:37

20 at 3:37 p.m. 03:37

21 (Recess.) 03:38

22 (Off record: 3:37 p.m.) 03:38

23 (On record: 3:47 p.m.) 03:38

24 THE VIDEOGRAPHER: We're on the record at 03:47

25 3:47 p.m. 03:47

1 BY MS. WEAVER: 03:47

2 Q. Returning just for a moment to Exhibits 5 03:47

3 and 6, K.P., if you wouldn't mind, let's just look 03:47

4 at the columns on the left in those files. And it 03:47

5 says "ds." Do you know what that refers to? 03:47

6 A. Sorry, just for the record, I'm under 03:47

7 oath. 03:47

8 Q. Yes. Good job. Thank you. 03:47

9 A. And if you're talking about column A, by 03:47

10 the format of the information there, I assume it's a 03:48

11 date. 03:48

12 Q. And then it says "userid." Would you 03:48

13 understand that to be Facebook user ID? 03:48

14 A. I assume that's to be the case, yes. 03:48

15 Q. And what is "event tim"? 03:48

16 A. I'm sorry, I'm opening all the fields so I 03:48

17 can understand from the comments. 03:48

18 Q. That's fine. It's column C. 03:48

19 A. Column C is probably when the specific 03:48

20 activity took place. 03:48

21 Q. You think it's -- I mean, for example, 03:48

22 there's an entry for 46:37.1. That's not a time. 03:48

23 Do you think -- what does that refer to? 03:48

24 MS. STEIN: I'm just going to object for 03:48

25 lack of foundation. 03:48

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 THE WITNESS: I don't know what it may be. 03:48

2 I can only look at the description, but I agree with 03:48

3 you, the format doesn't suggest -- it's like -- 03:48

4 BY MS. WEAVER: 03:48

5 Q. [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] 03:49

8 A. I don't know. 03:49

9 MS. STEIN: Objection to form. 03:49

10 BY MS. WEAVER: 03:49

11 Q. Okay. Are you aware of whether or not 03:49

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] 03:49

25 A. My understanding of your question -- well, 03:49

Page 269

1 [REDACTED] [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED]  
3 [REDACTED] 03:50  
4 Q. And do you believe that's contained in the 03:50  
5 DIY file? 03:50  
6 A. So the DYI file would include information 03:50  
7 about the -- sorry. Let me take a step back just to 03:50  
8 make sure that I answer the question appropriately. 03:50  
9 So the DYI file would have information 03:50  
10 about a photo and when you uploaded that photo. But 03:50  
11 if you really want to check the privacy setting of 03:50  
12 that photo there is probably a link that will link 03:50  
13 you to the original post to check the privacy 03:50  
14 setting of that photo. 03:50  
15 Q. You say "probably." Do you know? 03:50  
16 A. I -- I think that's my understanding of 03:50  
17 what I would be looking at, the DYI file, if I had 03:50  
18 it in front of me. 03:50  
19 [REDACTED] [REDACTED] [REDACTED]  
20 [REDACTED] [REDACTED]  
21 [REDACTED] 03:50  
22 MS. STEIN: Objection. Lacks foundation. 03:51  
23 THE WITNESS: I don't know what am I 03:51  
24 looking at here. 03:51  
25

1 BY MS. WEAVER: 03:51

2 Q. Okay. Let me -- let me -- 03:51

3 A. I see the user ID -- 03:51

4 Q. Let me tell you that your counsel has 03:51

5 represented that this -- the first table logs events 03:51

6 related to the changes in user privacy settings, 03:51

7 including the old value and the new value. Is it 03:51

8 your understanding that that is contained in the DIY 03:51

9 file? 03:51

10 A. The change of the privacy settings doesn't 03:51

11 necessarily mean that the users has posted 03:51

12 something. 03:51

13 Q. I don't understand your response. I'm 03:51

14 just asking a simple question. 03:51

15 A. Okay. Your question is not that simple. 03:51

16 Q. Let me ask my question, okay? 03:51

17 Is the information contained in this -- 03:51

18 these logs in the DIY files for these people? 03:51

19 MS. STEIN: Objection to form. And the 03:51

20 witness should feel free to explain his answer as he 03:51

21 was just trying to do. 03:51

22 THE WITNESS: Okay. So let's say you go 03:51

23 to Facebook and you go to the composer and you look 03:51

24 at the privacy setting of your composer to be 03:52

25 public. And you decide that whatever you are 03:52



1 planning to post next is not relevant for the 03:52  
2 general public, but you only want to post it to your 03:52  
3 friends or you want to be accessible by your 03:52  
4 friends. 03:52

5 Then you click on the option and you 03:52  
6 change the privacy setting. That is locked. But 03:52  
7 you haven't made the post yet. If you made the 03:52  
8 post, that's when the information can actually be 03:52  
9 available in the DYI file. 03:52

10 So every time you change your app settings 03:52  
11 or your settings in the composer doesn't mean that 03:52  
12 you create an entry that will be available in the 03:52  
13 DYI file. 03:52

14 BY MS. WEAVER: 03:52

15 Q. I'm just asking a very specific question. 03:52

16 A. And I'm answering with the best of my 03:52  
17 ability because what you are saying here is 03:52  
18 different. 03:52

19 Q. Yeah. Is the answer that you don't know 03:52  
20 whether or not this information is in the DIY file? 03:52

21 MS. STEIN: Objection. Form. 03:52

22 THE WITNESS: My -- my answer is that this 03:52  
23 information there is not always associated with the 03:52  
24 user posting a piece of content on Facebook, and as 03:53  
25 a consequence of that, that is not going to be 03:53

1 broadly available in the DYI file. 03:53

2 BY MS. WEAVER: 03:53

3 Q. Thank you. 03:53

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] 03:53

8 A. Didn't you ask me that question before? 03:53

9 And my answer was I don't know. 03:53

10 Q. Okay. Has the data made available through 03:53

11 the DYI tool changed over time? 03:53

12 A. It's a very broad question. Are you 03:53

13 talking about specific individual? 03:53

14 Q. I'm talking from 2012 to 2017, what -- how 03:53

15 has data made available in the DIY tool changed over 03:53

16 time? 03:53

17 A. I think the DYI file presents activity 03:53

18 that you have on the platform, and that's problem. 03:53

19 Because people are doing different things on the 03:54

20 platform than they did in 2012. 03:54

21 Q. Right. I'm not talking about the content; 03:54

22 I'm talking about the capabilities. So how has it 03:54

23 over time changed what users could obtain about 03:54

24 their activity through the DYI tool? 03:54

25 A. Again, the content is available if the 03:54

1 features are available. In that sense, yes, the 03:54  
2 data would have changed. 03:54  
3 Q. Did the fields change? 03:54  
4 A. The fields described pieces of data, so 03:54  
5 yes, they would have changed. 03:54  
6 Q. Okay. Well, did the -- what I'm asking 03:54  
7 is, in 2012 could I search for privacy settings, but 03:54  
8 in 2017 I could not? 03:54  
9 A. No, that's -- that wouldn't have changed. 03:54  
10 Q. Are the same categories of information 03:54  
11 available in the DYI tool in 2012 as it was in 2017? 03:54  
12 A. Again, for the sake of the argument, if 03:54  
13 you were able to see photos posted in 2017, that 03:55  
14 meant that the composer allowed you to post photos 03:55  
15 on Facebook. If in 2012 you could only post text, 03:55  
16 that means that you wouldn't be able to see any 03:55  
17 photos because you wouldn't be able to post any 03:55  
18 photos. 03:55  
19 Q. We are not understanding each other. 03:55  
20 I understand that my content changes over 03:55  
21 time. The question is whether the categories of 03:55  
22 objects collected and made available in the DYI tool 03:55  
23 changed over time. 03:55  
24 MS. STEIN: And, Lesley, I actually -- and 03:55  
25 I'm not trying to be combative. I actually think he 03:55

1 was answering your question. So I don't want -- I 03:55

2 don't want to repeat what the witness said. 03:55

3 But, K.P., why don't you try again. 03:55

4 THE WITNESS: I'll try one more time. 03:55

5 The way the question is framed suggests 03:55

6 that nothing would change. And I'm answering the 03:55

7 question by saying, yes, it would change because the 03:55

8 features are available and the comment that can be 03:55

9 posted in the app will change. As a consequence of 03:55

10 that, the data that shows up in the DYI will be 03:55

11 different. 2017 -- 03:55

12 BY MS. WEAVER: 03:55

13 Q. Do you -- 03:56

14 A. Between 2012 and 2017, Facebook -- the 03:56

15 Facebook app provided different capabilities to the 03:56

16 users. Some of them may have been deprecated since. 03:56

17 Some of them may be still available. But the way 03:56

18 your DYI file looked in 2012 cannot be the same as 03:56

19 the way it looks in 2017. 03:56

20 And I'm not just talking about the same 03:56

21 things that you did in 2012 and repeated in 2017. 03:56

22 I'm talking about the enhancement with additional 03:56

23 pieces of information that may not have been 03:56

24 possible in 2012. 03:56

25 Q. So who decided what data is collected in 03:56

1 the DYI tool? 03:56

2 A. I -- I don't know. 03:56

3 MS. WEAVER: Okay. I think we have no 03:56

4 more questions at this time. This deposition 03:56

5 remains open. There are a number of questions that 03:56

6 were not answered. 03:56

7 Q. Oh, I have one more question. How long 03:56

8 has the DYI tool existed? 03:57

9 A. I believe since 2012-2013 or something 03:57

10 around that time frame. 03:57

11 BY MS. WEAVER: 03:57

12 Q. So for data prior to that time, is there 03:57

13 any record for users of what data Facebook 03:57

14 maintained on them? 03:57

15 A. The DYI files shouldn't show data for 03:57

16 those users even prior to the date the tool was 03:57

17 available to users. I'm talking about the data that 03:57

18 the tool was exposed to users. 03:57

19 Q. When did the DYI tool begin collecting 03:57

20 data about users? 03:57

21 MS. STEIN: Objection to form. 03:57

22 THE WITNESS: I think everybody that has a 03:57

23 Facebook account since forever, they would be able 03:57

24 to download the DYI file and find that information 03:57

25 to be available in the DYI file. 03:57

1           The question is when can they -- when have           03:57  
2   they started downloading that file? And it's my           03:57  
3   understanding is that they -- the ability for people       03:57  
4   to download information that Facebook had on their       03:57  
5   behalf started in 2012-2013 time frame.           03:58

6           MS. WEAVER: Okay. I think we have no           03:58  
7   further questions. And, again, the deposition           03:58  
8   remains open.           03:58

9           We can go off the record.           03:58

10          MS. STEIN: Well, I don't want to go off       03:58  
11   the record yet because I would like to say that we       03:58  
12   disagree and object to the idea that this deposition       03:58  
13   is being held open.           03:58

14          And, you know, we'll just express our           03:58  
15   disappointment that, you know, the witness spent a       03:58  
16   lot of time preparing for this deposition on the           03:58  
17   topics that Judge Corley ordered this deposition to       03:58  
18   be on, and, you know, we're disappointed that, you       03:58  
19   know, there wasn't time spent on those topics.           03:58

20          MS. WEAVER: We disagree. This deponent       03:58  
21   does not know where user data is maintained and did       03:58  
22   not -- could not even address the spreadsheets that       03:58  
23   obtained user data that we sent to you ahead of           03:58  
24   time, and I think it was an unfortunate waste of all       03:58  
25   of our time. We can go off the record.           03:58

1 THE VIDEOGRAPHER: We are off the record 03:58  
2 at 3:58 p.m., and this concludes data testimony 03:58  
3 given by Konstantinos Papamiltiadis. The total 03:58  
4 number of media units used was six and will be 03:59  
5 retained by Veritext Legal Solutions. 03:59  
6 MS. WEAVER: Thank you very much, Mr. 03:59  
7 Papamiltiadis. 03:59  
8 THE WITNESS: Thank you for having me. 03:59  
9 (At the time of 3:58 p.m., the deposition 04:00  
10 was concluded.)

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at  
\_\_\_\_\_, \_\_\_\_\_.

(CITY)

(STATE)

\_\_\_\_\_  
KONSTANTINOS PAPAMILTIDIS

FACEBOOK INC. REPRESENTATIVE



CERTIFICATE OF REPORTER

I, ASHALA TYLOR, CSR No. 2436, in and for the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings were made by me using machine shorthand which was thereafter transcribed under my direction; further that the foregoing is an accurate transcription thereof.

That before the completion of the deposition, review of the transcript was not requested.

I further certify that I am neither financially interested in this action nor a relative or employee of any attorney or any of the parties hereto.

In compliance with Section 8016 of the Business and Professions Code, I certify under penalty of perjury that I am a Certified Shorthand Reporter with California License No. 2436 in full force and effect. WITNESS my hand this 26th day of February, 2021.



Ashala Tylor, CSR #2436, RPR, CRR, CLR

[REDACTED]

&	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



□ □ □ □ □

Veritext Legal Solutions  
866 299-5127

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



[illegible]

[illegible]

© 2006 The Authors

\_\_\_\_\_

Veritext Legal Solutions  
866 299-5127

[illegible]

[illegible]

[illegible]



[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Veritext Legal Solutions  
866 299-5127



Veritext Legal Solutions  
866 299-5127

[illegible]

[illegible]

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at [www.veritext.com](http://www.veritext.com).